INDEX

TO THE

TRAVANCORE LEGISLATIVE COUNCIL PROCEEDINGS.

Vol. XXII

TRIVANDRUM:
PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS,
1934.

TRAVANCORE LEGISLATIVE COUNCIL

FOURTH COUNCIL.

FIRST SESSION OF 1108.

Vol. XXII

CONTENTS. 31873

No. 1.

Friday, the 9th December, 1932/24th Vrischikam 1108.

			Pages
1.	Swearing in of new members	...	1
2.	Questions and Answers	...	1-4
3.	Statement laid on the table	...	4
4.	Regulations assented to by His Highness the Maha Raja	...	5
	(i) The Travancore Criminal Law Amendment Regulation		
	(ii) The Travancore State Aid to Industries Regulation.		
5.	Legislative business—	...	
	The Jenmi and Kudiyan Regulation Amendment Bill—second reading of	...	5-62
6.	Appendices—	...	i-v
7.	Supplement—Minutes of the meeting of the Finance Committee held on the 8th December 1932	...	vi-x

No. 2.

Saturday, the 10th December, 1932/25th Vrischikam 1108.

1.	Questions and Answers	...	63-65
2.	Adjournment motion—leave to make	...	65
3.	Demands for supplementary grants	...	65-66
4.	Legislation—		
	(i) The Travancore Provident Insurance Societies Bill—consideration of	...	66-68
	(ii) The Chitties Regulation Amendment Bill	...	68-107
5.	Adjournment motion *re* fall in the price of Travancore copra due to the import of Ceylon copra—discussion of—	...	107-130

G. P. T. 726. 300. 26-7-1109.

Pages

No. 3.

Monday, the 12th December, 1932/27th Vrischikam 1108.

1. Questions and Answers ... 131-138
2. Legislation—
   The Municipal Regulation Amendment Bill—second reading of ... 139-206

No. 4.

Tuesday, the 13th December, 1932/28th Vrischikam 1108.

1. Questions and Answers ... 207-219
2. Adjournment motions—asking for leave to make ... 219
3. Demands for Supplementary Grants ... 219-290

No. 5.

Wednesday, the 14th December, 1932/29th Vrischikam 1108.

1. Questions and Answers ... 291-301
2. Adjournment motion—asking for leave to make ... 301
3. Demands for supplementary grants ... 302-343
4. Legislation—
   The Municipal Regulation Amendment Bill—second reading of (contd.) ... 343-374

No. 6.

Thursday, the 15th December, 1932/1st Dhanu 1108.

1. Questions and Answers ... 375-383
2. Adjournment motion--asking for leave to make ... 383
3. Legislation—
   (i) The Travancore Municipal Regulation Amendment Bill—second reading of (contd.) ... 383-389
   (ii) The Jenmi and Kudiyan Regulation Amendment Bill— second reading of (contd.) ... 389-450
4. Supplements—
   A. Report of the Select Committee on the Travancore Municipal Regulation Amendment Bill. ... i-iii
   B. The Municipal Regulation Amendment Bill (as revised by the Select Committee). ... iv-vii
   C. Report of the Select Committee (after recommittal) on the Jenmi and Kudiyan Regulation Amendment Bill. ... viii-xxviii
   D. The Jenmi and Kudiyan Regulation Amendment Bill (as revised by the Select Committee after recommittal). ... xxix-xxxviii

Pages

No. 7.

Friday, the 16th December, 1932/2nd Dhanu 1108.

1. Questions and Answers ... 451-471
2. Legislation—
   The Jenmi and Kudiyan Regulation Amendment Bill—second reading of (contd). ... 471-525

No. 8.

Saturday, the 17th December, 1932/3rd Dhanu 1108.

1. Questions and Answers ... 527-537
2. Adjournment motion—asking for leave to make ... 537
3. Legislative business—
   (i) The Travancore Provident Insurance Societies Bill—second reading of ... 537-567
   (ii) The Travancore Insolvency Bill—second reading of ... 567-569
   (iii) The Travancore Chitties Regulation Amendment Bill—Introduction and second reading of ... 569-601
4. Supplements ... i-lxxix

No. 9.

Monday, the 19th December, 1932/5th Dhanu 1108.

1. Questions and Answers ... 603-611
2. Legislative business
   (i) The Travancore Muslim Succession Bill—third reading of ... 611-612
   (ii) The Travancore Kshatriya Bill—second reading of ... 612-619
   (iii) The Travancore Wills Regulation Amendment Bill second reading of ... 619-620
   (iv) The Cutchi Memons Bill—Introduction of ... 620-622
3. Resolutions on matters of general public interest—
   Abolition of export duty on products of the cocoanut tree ... 623-683
4. Appendices ... i-xxx
4. Supplements ... xxi-li

No. 10.

Tuesday, the 20th December, 1932/6th Dhanu 1108.

1. Questions and Answers ... 685-692
2. Legislative business—
   A. Third reading of—
   (i) The Travancore Jenmi and Kudiyan Regulation Amendment Bill ... 692-707
   (ii) The Travancore Municipal Regulation Amendment Bill ... 744

Pages.

(iii) The Travancore Town Planning Bill ... 707-708
(iv) The Travancore Police Regulation Amendment Bill ... 708
(v) The Travancore Insolvency Bill ... 708-709
(vi) The Travancore Provident Insurance Societies Bill ... 709
(vii) The Travancore Kshatriya Bill ... 709
(viii) The Travancore Wills Regulation Amendment Bill ... 709-710
B. Second reading of the Travancore Chitties Regulation Amendment Bill ... 710-735
3. Appendices ... i-iii
4. Supplements ... v-cvii

No. 11.

Wednesday, 21st December, 1932/7th Dhanu 1108.

1. Questions and Answers ... 737-739
2. Legislative business—
   The Travancore Chitties Regulation Amendment Bill—second reading of ... 739-791

No. 12.

Thursday, the 22nd December, 1932/8th Dhanu 1108.

1. Questions and Answers ... 793-797
2. Legislative business
   The Travancore Chitties Regulation Amendment Bill Third reading of ... 797-798
3. Farewell to Members ... 799
4. Appendix ... i
5. Supplement ... ii-iii

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT.*)

Friday, the 24th Vrischikam 1108/9th December 1932.

The Council assembled in the Victoria Jubilee Town Hall at eleven-thirty three of the Clock, the President presiding.

NEW MEMBERS.

The following new members were then sworn in :—

1. Mr. N. Nilakanta Pillai
2. Mr. B. Narayana Pillai
3. Mr. B. L. Slater
4. Mr. C. N. Sriranganatha Sastri
5. Mr. M. N. Narayana Menon.

QUESTIONS AND ANSWERS.

Newspaper cuttings submitted to Government by the Publicity Officer.

1. **MR. K. KRISHNAN NAYAR** (*Pattanamtitta*) : Will the Government be pleased to state :

(*a*) the number of newspaper cuttings sent to them since the appointment of the present Publicity Officer ;

(*b*) the number of cuttings in English and the number of cuttings in Malayalam ;

(*c*) the names of the newspapers from which each of the cuttings was taken ; and

(*d*) the heading and subject matter of each of those cuttings ?

MR. K. GEORGE (*Chief Secretary to Government*) : (*a*), (*b*), (*c*) and (*d*), As the subjects dealt with by the Publicity Officer are treated as confidential, Government do not consider it necessary to furnish the information asked for by the member.

Members of the Nagercoil Municipal Council.

2. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*) : Will the Government be pleased to state :

(*a*) the names of nominated non-official members of the Nagercoil Municipal Council in 1108 ;

(*b*) the names of nominated official members of the Council ;

(*c*) the minimum qualification of nominated members ; and

(*d*) by whom the non-official members were declared eligible to become members of the Council ?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) From the 1st Chingom 1108 to the 2nd Tulam 1108:

(1) Mr. S. V. Muthukaruppa Pillai
(2) " P. N. Peter
(3) " S. Royappan.

Nominated with effect from the 2nd Tulam 1108:

(1) Rev. G. Jesudasan
(2) Mr. A. H. Nagalinga Asari
(3) " N. Vaikuntam.

(*b*) 1. Mr. V. Arunachalam Aiyar
2. Dr. P. Palpu
3. Mr. A. M. Kumara Pillai
4. Mr. P. G. Krishna Aiyar.

(*c*) Persons other than those disqualified under Section 11 of the Municipal Regulation, V of 1095, are qualified for nomination as Municipal Councillors.

(*d*) By the Dewan Peishkar, Trivandrum.

The Account Code.

3. **MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to state:

(*a*) the year in which the existing *Account Code* was printed in a book form; and

(*b*) whether there are amendment slips, and, if so, how many of them, attached to the printed book as available now (22-11-1107)?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*):

(*a*) Account Code Part I in 1924.
Do. Part II in 1916.

(*b*) Yes, 46 lists for Part I and 51 for Part II. } Till $\frac{24\text{-}1\text{-}1932}{9\text{-}4\text{-}1108}$.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): With reference to part (*b*), do the Government propose to reprint the Code incorporating all these amendments?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes; in course of time the Code will be reprinted.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): How long will it take?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Service Regulation is now under reprint. After that is over this work will be taken up.

Assignment of lands on the sides of the Neriamangalam-Pallivasal road.

4. **MR. RAMA VARMA RAJA** (*Edavagai*): Will the Government be pleased to state:

(*a*) whether the survey of the lands on either side of the Neriamangalam-Pallivasal road is finished; and

(*b*) whether they propose to register those lands to foreignres (non-Travancoreans)?

Mr. A. KUMARA PILLAI (*Secretary to Government*): (*a*) The survey has been ordered to be taken up immediately.

(*b*) The question of registry will be taken up only after the survey is over.

Grant of special scale of pay to the Assistant Director of Agriculture.

5. **Mr. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state whether a special scale of pay is given to the Assistant Director of Agriculture?

Mr. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): The sanctioned pay of the appointment of Assistant Director of Agriculture and Fisheries is Rs. 150-25/2-250. Mr. K. Paramesvaran Pillai B. A., B. Sc., F. C. S., the permanent Assistant Director of Agriculture and Fisheries, gets a personal scale of pay of Rs. 250-25/2-300

Mr. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know why a personal scale of pay has been given to the Assistant Director of Agriculture, Mr. K. Paramesvaran Pillai, B. A., B. Sc., F. C. S.?

Mr. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): He has been given that scale of pay on account of his European qualification.

Mr. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I want the reason for his being given a personal scale of pay?

Mr. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): That is just what I answered, Sir. That Officer has got speciaal European qualification, and Government thought it fit to give him a special personal scale of pay.

Mr. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether every officer who has got European qualification is given a personal scale of pay?

Mr. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): That is entirely left to the discretion of Government. The scale of pay that this officer was getting was less than that of officers of similar European qualification in other departments.

Mr. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I am not satisfied, Sir. (*Laughter*).

Statement, by caste, of the teaching staff of English schools.

6. **Mr. K. KRISHNAN NAYAR** (*Pattanamtitta*): Will the Government be pleased to lay on the table a statement, by caste, of the teaching staff of the departmental English schools?

Mr. K. GEORGE (*Chief Secretary to Government*): A statement*, by caste, of the teaching staff of the departmental English Schools, is laid on the table.

Grant-in-aid schools in Pattanamtitta constituency.

7. **Mr. K. KRISHNAN NAYAR** (*Pattanamtitta*): Will the Government be pleased to state:

(*a*) the names of grant-in-aid schools in the Pattanamtitta constituency; and

(*b*) the name of the manager of each of them?

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* *Vide* Appendix I page i.

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) and (*b*) A statement* containing the required information is laid on the table.

ADJOURNMENT MOTION.

[Mr. N. A. Sundaram Pillai handed over to the President notice of a motion for the adjournment of the House.]

PRESIDENT: Mr. Sundaram Pillai, the subject of your motion is not a matter of urgent public importance. Therefore, I do not allow it.

STATEMENT LAID ON THE TABLE.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Sir, under Rule 52 of the Legislative Council Rules, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 16 (9) of the Legislative Council Regulation, II of 1097.

Demand.		Amount.	Particulars.
		Rs.	
XII.	Administration of Justice.	2,050	For expenditure under "Batta to prisoners" incurred during 1107.
XXIII.	Anchal—Working Expenses.	15,856	For additional compensation as per court decree for the land and buildings acquired for the Anchal Superintendent's Office and the Chief Anchal Office, Trivandrum, during 1107.
IV.	Medical and Sanitary—Medical Department, including grants to Allopathic Medical Institutions and scholarships for the study of European medicines, and Public Health.	3,600	For plague preventive measures on account of the appointment of 2 Assistant Surgeons and one Sub-Assistant Surgeon.
V.	Medical and Sanitary—Chemical Examiner, Ayurveda Department, including grants to Institutions and Honoraria to Vaidyans, and Sanitary Department, excluding Public Health.	20,000	For expenditure under "Prevention of Epidemics."

* *Vide* Appendix II, pages ii to v.

REGULATIONS ASSENTED TO BY HIS HIGHNESS THE MAHA RAJA.

MR. A. KUMARA PILLAI (*Secretary to the Legislative Council*): Sir, I beg leave to announce that the following Regulations have been assented to by His Highness the Maha Raja:

1. The Travancore Criminal Law Amendment Regulation.
2. The Travancore State Aid to Industries Regulation.

LEGISLATIVE BUSINESS.

THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Jenmi and Kudiyan Regulation Amendment Bill, as reported by the Select Committee, be taken up for further consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT: We have finished 13 Sections and are now at the proposed Section 14.

Clause IV.

Proposed Section 14.

The following amendments were not moved:

MR. A. S. DAMODARAN ASAN: Section 14, sub-section (1):

Add the following after the sub-section:

"Notwithstanding anything contained in any other law in force, no decree granting enhancement or reduction of michavaram shall be enforced in so far as such decree has varied the michavaram, if such decree has been obtained in a suit instituted after the 1st April 1930/19th Meenam 1105."

MR. S. KRISHNA PILLAI: Section 14, sub-section (1):

Add the following after the sub-section:

"Explanation. The Government shall have the right to make remission of jenmikaram either on the entire destruction of the holding or on the alteration of the nature of the holding by natural causes rendering it unproductive or for general failure of crop."

MR. C. N. TUPPAN NAMPUTIRIPAD: Section 14, sub-section (1):—

Add the following:

"Notwithstanding anything contained in this Regulation the jenmis shall have the right to renew, prior to the settlement of the jenmikaram under this Regulation, all kanom deeds which have not been renewed during a period of 12 years before 1108, in accordance with the provisions of Regulation V of 1071. This right shall be exercised within a period of 6 years after the Amendment Regulation comes into force."

MR. KAYALAM PARAMESVARAN PILLAI : Section 14, sub-section (2), line 3:

For the words "with reference to which any jenmikaram has been fixed, that" substitute the words " at the immediately previous settlement, the."

MR. A. NARAYANA PILLAI (*Vaikam*) : ഇന്നലെയും മിനിഞ്ഞാന്നുമായിട്ടു കൂടിയ യോഗത്തിൽ കാണയാധാരം എഴുതി ൲൱൮ കൊല്ലത്തിനകം അടുത്ത സെററിൽമെൻറു വന്നാൽ ആ കാലത്തു ജന്മികരം കൂട്ടാൻ പാടില്ലെന്നുള്ള ഒരു ഭേദഗതിയെ സംബന്ധിച്ചു ആലോചിക്കുകയുണ്ടായി. എന്നാൽ പൊളിച്ചെഴുത്തുകഴിഞ്ഞു ൲൱൰ കൊല്ലത്തിനകം റവന്യൂ സെററിൽമെൻറു വരികയാണെങ്കിൽ ആ കാലത്തു ജന്മികരം കൂട്ടാൻപാടില്ലെന്നുള്ള ഒരു ഭേദഗതി ഞാൻ ഇന്നലെ നടന്ന കാൺഫറൻസിൽവച്ചു സമ്മതിക്കയുണ്ടായി. അതനുസരിച്ചു മുമ്പോട്ടു പോകണമെന്നു എന്നെ ധരിപ്പിച്ചതുകൊണ്ടാണ് ഞാൻ ഈ ഭേദഗതി അവതരിപ്പിക്കാത്തതു്. അടുത്ത സെററിൽമെൻറു നടക്കുന്നതിനു ൲൱൰ കൊല്ലത്തിനുമുമ്പു പാട്ടത്തിൽ കൂട്ടി ആധാരം പൊളിച്ചെഴുതിയിട്ടുണ്ടെങ്കിൽ ആധാരപ്രകാരമുള്ള തുകയല്ലാതെ കൂടുതൽ വാങ്ങിക്കാൻപാടില്ലെന്നുള്ള ഭേദഗതിയെ ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൲൱൮ കൊല്ലം കഴിയുമ്പോഴും പൊളിച്ചെഴുത്തു നടത്തണമെന്നാണോ പറയുന്നതു്?

MR. A. NARAYANA PILLAI (*Vaikam*) : ൲൱൮ കൊല്ലത്തിലൊരിക്കൽ പൊളിച്ചെഴുതി തരണമെന്നുള്ള ഉദ്ദേശത്തിലാണ് ഈ നിയമം നടപ്പിലാക്കാൻ നിശ്ചയിച്ചിരുന്നതു്. അതനുസരിച്ചു പൊളിച്ചെഴുതികഴിഞ്ഞു ൲൱൮ കൊല്ലം കഴിയുന്നതിനു മുമ്പെ അടുത്ത സെററിൽമെൻറു വന്നാലും പാട്ടത്തിൽ കൂട്ടാൻപാടില്ലെന്നുള്ള അഭിപ്രായമാണ് ആദ്യം എനിക്കുണ്ടായിരുന്നതു്. എന്നാൽ ആ കാലാവധി ൲൱൰ കൊല്ലംമതി എന്നു ജന്മി മെമ്പർമാരും മററു മെമ്പർമാരും സമ്മതിച്ചതുകൊണ്ടു ആ രീതിയിൽതന്നെ പോകട്ടെ എന്നാണ് ഞാനും വിചാരിക്കുന്നതു.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : ഇതു മി: ആശാന്റെ ഭേദഗതിയിൽ അടങ്ങിയിട്ടില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*) : ഇരുകക്ഷികളുടേയും സമ്മതം അനുസരിച്ചു മുമ്പോട്ടു പോകുന്നപക്ഷം എനിക്കിതിനെ പ്രസ്സ് ചെയ്യുണമെന്നു ഉദ്ദേശമില്ല.

The following amendments were not made.

MR. A. NARAYANA PILLAI: Section 14, sub-section (2):

Add the following after the sub-section:—

"Provided that if the Land Revenue Settlement next following comes within 36 years from the date of the existing kanam deed, the jenmikaram shall in no case be enhanced.

Notwithstanding anything contained in this Regulation, the jenmikaram shall in no case be enhanced to exceed the Settlement pattamicham."

MR. S. KRISHNA PILLAI: Section 14, sub-section (2):

Add the following proviso:

"Provided however such enhancement of the jenmikaram shall in no case exceed 10 per cent. of the jenmikaram".

MR. K. P. ABRAHAM: Section 14, sub-section (2):

Add the following proviso to sub-section (2): -

"Provided that the jenmikaram in respect of kanapattoms made or renewed within ten years preceding the next future general Land Revenue Settlement shall not be liable to any enhancement or reduction at that Settlement".

MR. C. N. TUPPAN NAMPUTIRIPAD: Section 14, sub-section (2):

Substitute the following:

"Whenever Our Government make any general Land Revenue Settlement in the future, and the settlement pattamicham at that settlement is found to be larger than the jenmikaram in respect of any property, that pattamicham shall be fixed as the jenmikaram, and if found to be smaller, that jenmikaram shall be fixed as such, without any alteration what so ever."

MR. A. S. DAMODARAN ASAN: Section 14, sub-section (2).

For the words "with reference to which any jenmikaram has been fixed, that" substitute the words "at the immediately previous settlement, the."

MR. A. S. DAMODARAN ASAN: Section 14, sub-section (2):

Add the following after the sub-section:

"Notwithstanding anything contained in this sub-section, the enhancement or the reduction of the jenmikaram at any future Revenue Settlement shall not in any case be unfair or inequitable.

Any enhancement or reduction of jenmikaram by more than 50 per cent. of the same shall be deemed to be unfair and inequitable."

MR. A. S. DAMODARAN ASAN: Section 14, sub-section (2):

Substitute the following for sub-section (2) of the proposed Section 14:—

"Whenever Our Government make any general land revenue settlement in the future and the amount of the settlement pattamicham at that settlement and the amount of the existing jenmikaram in respect of any jenmom land are found to differ, the jenmikaram shall be liable to be revised as follows :—

(i) If the difference is by not more than ten per cent. of the existing jenmikaram, the jenmikaram shall be liable to be enhanced or reduced by that percentage according as the settlement pattamicham is larger or smaller than the jenmikaram ;

(ii) If the difference is by more than ten per cent of the existing jenmikaram, the jenmikaram shall be liable to be enhanced or reduced by ten per cent. according as the Settlement pattamicham is larger or smaller than the jenmikaram.

"*Explanation 1.*—If there is no difference between the amount of the settlement pattamicham at any revenue settlement and the amount of the existing jenmikaram, that jenmikaram shall continue to be the jenmikaram during the currency of that settlement also.

Explanation 2.—When the settlement pattamicham or the existing jenmikaram or both consist of paddy and money the paddy portion shall, for the purposes of comparison, be commuted into money at the average commutation rate the average being taken on the rates of the three years immediately preceding. This average rate is intended only for the purposes of comparison and when the jenmikaram has to be enhanced or reduced by any percentage the paddy portion and the money portion shall each be enhanced or reduced, as the case may be, by that percentage."

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following amendment to Section 14 :

Substitute the following for sub-section (2) of the proposed Section 14 :

"Whenever Our Government make any general land revenue settlement in the future, and the amount of the settlement pattamicham at that settlement and the amount of the then existing jenmikaram in respect of any jenmom land are found to differ, the jenmikaram shall be liable to be enhanced or reduced as the case may be in the proportion that the settlement pattamicham bears to the jenmikaram :

Provided that in no case shall any jenmikaram be enhanced by more than ten per cent. thereof :

Provided also that in the case of the land revenue settlement next following that now in force no jenmikaram of any land shall be enhanced if within twelve years preceding the date of the commencement of the operations for such settlement there has been an enhancement of michavaram in respect of that land,

Explanation 1.—If there is no difference between the amount of the settlement pattamicham at any revenue settlement and the amount of the then existing jenmikaram, that jenmikaram shall continue to be the jenmikaram during the currency of that settlement also.

" *Explanation 2.*—When the settlement pattamicham or the existing jenmikaram or both consist of paddy and money the paddy portion shall, for the purposes of comparison, be commuted into money at the average commutation rate, the average being taken on the rates of the three years immediately preceding. This average rate is intended only for the purposes of comparison and when the jenmikaram has to be enhanced or reduced by any percentage the paddy portion and the money portion shall each be enhanced or reduced, as the case may be, by that percentage."

Sir, this amendment is now being moved as a result of an agreement arrived at in the conference held the day before yesterday and yesterday. The Jenmi members also have agreed to this amendment. That is the reason why the several amendments preceding this have not been moved. I have only to say one or two words in support of the amendment.

At present, the Jenmies have the right, to enhance the michavaram due to them, under Regulation, V of 1071. There have been loud complaints against the difficulties and hardships experienced by the Kudiyans, on account of a number of litigations started by the Jenmies to get the michavaram enhanced. The Jenmies also had to undergo many difficulties to get the michavaram enhanced. To avoid such litigation and hardship, the members came to the understanding that the enhancement or reduction could be made only when the Government tax on such lands are revised at the times of future Settlements. It is stated here that the jenmikaram should be enhanced in the proportion which the Settlement pattamicham bears to the present jenmikaram.

There are two exceptions to this rule in the amendment. One is that the enhancement should not be by more than 10 per cent. Even in the present Regulation, there is a provision that the enhancement should not be unfair or in-equitable. The application of that provision has not been giving satisfaction to any of the parties. It was therefore thought that restriction must be imposed with regard to the extent to which the jenmikaram can be enhanced.

The other exception, contained in the amendment, is that if the michavaram had been enhanced within the last 12 years preceding the next general land revenue settlement, it could not be enhanced at the next Settlement, since, at the revision within the 12 years preceding he Settlement, the increase in the yield of the property must have been taken into consideration. There should therefore be no further revision of the michavaram so soon after revision once.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose there is reduction in the yield within a short time. Then, is the michavaram liable to be revised again and reduced at the next Settlement?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): This amendment relates only to enhancement; reduction is not usual because usually cultivation improves, larger area is brought under cultivation and the yield is larger. That is why, while it is provided that enhancement should not be by more than 10 per cent. there is no restriction as regards reduction. If the yield, in exceptional cases, goes down owing to causes which could not have been prevented by the kudiyan then the necessary reduction is effected without any restriction.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അടുത്ത സെററില്‍മെന്‍റുകാലത്തുള്ള പാട്ടമിച്ചവും, ഇപ്പോഴത്തെ സെററില്‍മെന്‍റനുസരിച്ചുള്ള പാട്ടമിച്ചവും തമ്മില്‍ വ്യത്യാസം ഉണ്ടെങ്കില്‍ മാത്രമെ ജന്മിക്കരത്തില്‍ വ്യത്യാസം വരുത്തേണ്ടതൊള്ളു എന്നാണൊ പറയുന്നതു്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കഴിഞ്ഞ സെററില്‍മെന്‍റു കാര്യത്തെപ്പററി ഒന്നുംതന്നെ ഇവിടെ പറയുന്നില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇന്നലെ തീരുമാനപ്പെടുത്തിയ അമന്‍റുമെന്‍റില്‍ അടങ്ങിയിട്ടില്ലാത്ത വല്ല കാര്യങ്ങളും പറയുകയാണോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇല്ല. അതിനകത്തടങ്ങിയിട്ടുള്ള സംഗതികള്‍ മാത്രമേ പറയുന്നൊള്ളു.

MR. A. S. DAMODARAN ASAN: (*Mavelikara* cum *Kartikapalli*): I do not wish to say anything more on the amendment. I place it for the acceptance of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I second it.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Sir, I do not think it is necessary to examine the provisions contained in the amendment now before the House, considering the fact that both the Jenmi and the non-Jenmi, non-official members of the House have examined the whole question and have, after long discussion, arrived at this amendment *by way of compromise*. It was also agreed by both parties considering the hardship that this provision would cause to the Jenmi members with reference to the cherikal lands in regard to which the michavaram agreed upon would be only nominal, that the Settlement pattamicham, as per the present Settlement (the last Settlement), should be the jenmikaram, of course, after deducting the interest due on the kanam amount (as agreed to between the parties, and applying the ten per cent. rule at the next settlement for the purpose of revision. This was agreed to by both sides; and therefore I do not think it is necessary, in this House, to examine the proprietory or otherwise of the agreement especially because it was arrived at by way of compromise. I would, therefore, support this amendment; and I hope the Law Member would, on behalf of Government, undertake to move for the necessary provision being made in

Section 3 clause 17, at the time of the third reading, as per the printed copy of the amendment placed before us now.

With these words, I would also support the amendment proposed by Mr. Asan.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, after hearing the learned Deputy President, I wish to make one or two statements.

The present amendment, moved by Mr. Damodaran Asan, does not say anything about cherikal lands. No doubt there was some discussion about cherikal lands yesterday and the day before at the conference and it was decided that some exception must be made with reference to cherikal lands. I was not in a position to agree to it, and, for my part, I did not give any undertaking or promise in regard to any such exception in the case of cherikal lands alone. And, I have my own diffidence about it. However, the question of cherikal lands and the promises now said to have been made with respect to that need not be any ground for the acceptance of this amendment which has been arrived at after long discussion lasting for a whole day. This amendment involves only two principles which relate to one matter, *viz.*, what the jenmikaram ought to be after the next general land revenue settlement, whether the present jenmikaram should continue unaffected by the new revenue settlement or whether it should in any way be revised. It was agreed that it ought to be revised at future settlements; because, the Jenmis are now giving up, one of their predominant rights to have the michavaram enhanced periodically. The question came up as to the extent to which such enhancement might be allowed; it was discussed, and we all agreed that the enhancement should not be by more than 10 per cent. And, that percentage was arrived at, not arbitrarily, but after due consideration of similar enactments elsewhere. The British Indian Malabar Tenancy Bill, for instance, makes a similar provision; and they have fixed a maximum of 12½ per cent. (or one-eighth) for enhancement. In Travancore, since, according to the Proclamation of the last settlement which speaks of a settlement in 30 years, a fresh settlement is now overdue, all the parties agreed that 10 per cent. would be the fair maximum for enhancement. In regard to reduction, the provision in other places is like the provision here. The provision is not intended to confer any benefit or advantage on any party. Reduction arises only when the party is really unable to pay. It was therefore agreed by all that no maximum need be fixed in the case of reduction. That is the reason why, while a maximum has been fixed in regard to enhancement, no maximum has been provided for in the case of reduction. These are the only two points involved in this amendment. I wish it to be expressly understood that the question of cherikal lands should not in any way interfere with what has been stated in this amendment. That is a matter yet to come up for discussion—a matter in which others are also interested. There *are* people who know fully the conditions prevailing in these cherikal lands. We do not think it proper to make any commitment about that matter now. That is a matter which will have to be discussed when it comes up.

[Mr. S. Krishna Pillai.]

With these words, I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I support the amendment moved by Mr. Asan. It is the result of a long discussion but a unanimous conclusion. As such, I should not have stood up at all now to make any speech on this amendment but for certain observations made by Mr. S. Krishna Pillai.

Sir, in the discussions at the conference the integral parts of the agreement arrived at were, so far as I have been able to follow, (1) that this amendment, *the text of which was itself approved by the conference,* should be moved by Mr. Asan and accepted by the Jenmis, and (2) that the non-jenmi members should agree to give effect to certain special provisions relating to cherikal lands—the *text* of that amendment has itself not been accepted by the conference ; but I have now worded it tentatively and may move it in its final form at the third reading of the Bill In reg rd to the cherikal lands the Jenmis want a special provision to last until the next Revenue Settlement. That has been agreed to by practically all the members, and that also is an integral part of the agreement arrived at. With these observations, I support the amendment, and I do undertake that I will move the amendment relating to the cherikal lands at the third reading of the Bill.

PRESIDENT : There seems to be no opposition to the amendment.

The amendment was carried *nem con.*

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Sir, I beg to move the following amendment :

Substitute the following for sub-section (3) of the proposed Section 14.

" From and after the 1st day of Chingam 1108 on enhancement or reduction of the jenmi's dues whether jenmikaram or michavaram shall be made otherwise than in accordance with the provisions of this Regulation ; and even if a Court has decreed contrariwise on or after the said 1st day of Chingam 1108, the Court shall review that decision and pass a decision in accordance with the provisions of this Regulation on application being made for the purpose by any aggrieved party within six months of the passing of the Amendment Regulation.

Explanation. Nothing in the Travancore Limitation Regulation, VI of 1100 or the Code of Civil Procedure. 1100, shall be deemed to bar such application for review.

Sir, this amendment also is the result of an agreement arrived at yesterday's conference. The only object of the amendment is to prevent the Jenmis or the Kudiyans, who, fully knowing that there is every probability of this Bill becoming law in the near future and have rushed to the court from frustrating the object of this measure. My idea was to extend the operation of this provision from the 1st of Meenam 1105 ; but as a result of the compromise, the 1st of Chingam 1108 has been agreed upon.

With these observations, I place the amendment for the acceptance of the House.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to submit one word in regard to this amendment. This also forms an integral part of the agreement arrived at the conference, yesterday. The text of the amendment was itself agreed to by both the parties. I beg to offer my support to this amendment, of course, on the condition that, at the third reading of the Bill, I will move the amendment with regard to cherikal lands.

The amendment was put and carried *nem. con.*

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൫൪-ാം വകുപ്പിനെ സംബന്ധിച്ചു പല മെമ്പർമാരും അമൻറുമെൻറുകൾ അയക്ക ഉണ്ടായിട്ടുണ്ട്; ഞാനും അമൻറുമെൻറു അയച്ചിട്ടുണ്ട്. അതൊക്കെ വച്ചുകൊണ്ടാണ് ഇന്നലെയും മിനിഞ്ഞാന്നും നടന്ന കാൺഫറൻസിൽ ആലോചന നടത്തിയതു് അതിൻെറ ഫലമായി വേറെ ഒരു രൂപത്തിൽ അമൻഡുമെൻറു കൊണ്ടുവരികയും പാസാക്കുകയും ചെയ്തതുകൊണ്ടു ഞാൻ ഈ അമൻറുമെൻറിനെ അവതരിപ്പിക്കുന്നില്ല.

കാണാർത്ഥത്തിൻെറ പലിശയെസംബന്ധിച്ചുള്ള അടുത്തഭേദഗതിയെ ഞാൻ അവതരിപ്പിക്കുന്നു. ഈ ഭേദഗതികൊണ്ടു ഞാൻ ഉദ്ദേശിക്കുന്നതു ഈ രാജ്യത്തുള്ള കാണവസ്തുക്കളെ സംബന്ധിച്ചുള്ള കാണഅർത്ഥത്തിൻെറ പലിശയ്ക്കു ഐകരൂപ്യം വരുത്തുക എന്നുള്ളതാണ്. ഇന്നലെ നടന്ന കാൺഫറൻസിൽ ഈ ഭാഗം ആലോചിക്ക ഉണ്ടായില്ല; കാൺഫറൻസിൻെറ ആലോചനയ്ക്കു വിഷയമായിട്ടും ഇല്ലായിരുന്നു. കാൺഫറൻസിൻെറ ആലോചനയ്ക്കു് ഇതുവന്നിരുന്നാൽ ഈ സംഗതിയും രാജിയായിട്ടു തീർന്നമായിരുന്നു. ഈ ഭാഗം ജന്മിക്കെന്നപോലെതന്നെ കുടിയാനവനും വളരെ അത്യാവശ്യമായ ഒന്നായതുകൊണ്ടാണ് ഞാൻ ഇതിവിടെ അവതരിപ്പിക്കുന്നതു്.

ഇതിനുമുമ്പുള്ള നിയമത്തിൽ പല ഭാഗങ്ങളും അവ്യക്തമായിട്ടുണ്ട്. അവയെല്ലാം ഉപേക്ഷിച്ചു വ്യക്തമായ നിലയിൽ വ്യവസ്ഥയുണ്ടാക്കണമെന്നുള്ളതാണ് ഈ കൌൺസിലിൻെറ അഭിപ്രായം. അതനുസരിച്ചു അസംഖ്യം ഭേദഗതികൾ ഇവിടെ പലരും അയച്ചിട്ടുണ്ട്. അതുപോലെയുള്ള ഒരു പ്രധാന സംഗതിയാണ് കാണഅർത്ഥത്തിൻെറ

[Mr. C. N. Tuppan Namputiripad.]

ഉഭയത്തിനു ഐകരൂപ്യമുണ്ടാക്കുക എന്നുള്ളതു്. കാണഅർത്ഥത്തിന്റെ പലിശ ഓരോദേശത്തു ഓരോ മാതിരിയാണു്. ചില സ്ഥലത്തു് ൮ ശതമാനവും, ചില സ്ഥലത്തു ൧൦ ശതമാനവും, ചില സ്ഥലത്തു ൧൨ ശതമാനവുമായിട്ടാണു് ഇപ്പോഴിരിക്കുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ൧൪-ാം വകുപ്പിൽ ജന്മിക്കരം കൂട്ടുകയോ കുറയ്ക്കുകയോ ചെയ്യുന്നതിനെപ്പററിയുള്ള വ്യവസ്ഥകളാണു് അടങ്ങിയിരിക്കുന്നതു്. ഇതിൽ കാണഅർത്ഥത്തിന്റെ പലിശ എങ്ങനെ ഉൾപ്പെട്ടുമെന്നുള്ള സംഗതി മനസ്സിലാകുന്നില്ല?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിക്കരം കൂട്ടുകയോ കുറയ്ക്കുകയോ ചെയ്യേണ്ടുന്നതിനെ സംബന്ധിച്ചുള്ള ഒരു വകുപ്പില്ലാതെ ഇതു മറെറാരുവകുപ്പിനോടു കൂടി ചേർത്താണു് കൊണ്ടുവരേണ്ടതെന്നുള്ളതിനെപ്പററി ലാമെമ്പർ ചൂണ്ടിക്കാണിച്ചുതന്നാൽ ഞാൻ ഈ ഭേദഗതി ആ വകുപ്പിലേക്കു മാററിക്കൊള്ളാം. ഈ സംഗതിയിൽ ഈ വകുപ്പിൽതന്നെയാണു പറയേണ്ടതെന്നുള്ള വിശ്വാസത്തിന്മേലാണു് ഞാൻ ഇവിടെ ഇതു ഹാജരാക്കുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): കാണയർത്ഥത്തിന്റെ പലിശയെസംബന്ധിച്ചുള്ള സംഗതി ഈ വകുപ്പിൽ ഉൾപ്പെടുന്നതല്ലെന്നാണു് എന്റെ അഭിപ്രായം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കാണയർത്ഥത്തിന്റെ പലിശ കൂടുന്നതും കുറയുന്നതും അനുസരിച്ചാണു് മിച്ചവാരവും ജന്മിക്കരവും നിശ്ചയിക്കുന്നതു്. ആ സ്ഥിതിക്കു് ഇതും ഈ വകുപ്പിൽതന്നെയാണു പറയേണ്ടതു്. എന്നാൽ ഈ വകുപ്പിൽ ഇതിനെപ്പററി പറയുവാൻ പാടില്ലെന്നാണു ലാമെമ്പർ പറയുന്നതു്. എന്നാൽ പ്രസിഡന്റും ഇതു തെററാണെന്നു പറയുകയാണെങ്കിൽ ഞാൻ ഈ വാദം വിട്ടുകളയാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. Section 14 relates to the enhancement or reduction of jenmikaram having regard to the settlement pattamicham on a piece of land. It has nothing to do with the interest on the kanom amount or kanartham at all. The clause relating to the jenmikaram has already been passed by the Council. When the jenmikaram has to be altered, that has to be enhanced or reduced at a future settlement. The principle that is laid down in the Section

relates to the enhancement or reduction of jenmikaram alone and that has nothing to do with kanom or kanartham. I therefore submit that this amendment is not relevant to the clause.

PRESIDENT : I rule that the amendment is not in order.

The question that Clause IV as amended do form part of the Bill was put and carried. The Clause was added to the Bill.

Clause V.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) ബില്ലിലെ ൫-ാമദ്ധ്യായം മുഴുവനും എടുത്തുകളയണമെന്നുള്ള ഭേദഗതി ഞാൻ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

ബില്ലിലെ മൂന്നാമദ്ധ്യായത്തിൽ പറഞ്ഞിരിക്കുന്നതു ജന്മിയോ കുടിയാനൊ നേരിട്ടു ജന്മിക്കരം പിരിക്കുന്നതിനേയും ഏൎപ്പെടുത്തുന്നതിനേയും സംബന്ധിച്ചുള്ള വ്യവസ്ഥകളാണ്. ഇതു് ഗവൺമെന്റ് പിരിവുഭാരം കയ്യേററു നടത്താമെന്നുള്ള രീതിയിൽ തയ്യാറാക്കിയിട്ടുള്ള ഒരു ബില്ലായതുകൊണ്ടു ൟ അദ്ധ്യായം ഇവിടെ ആവശ്യമില്ലെന്നുള്ളതാണ് എന്റെ വാദം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ക്ലാസ്സ് ൫ മുതൽ ൧൯ വരെയുള്ള ക്ലാസ്സുകൾ മുഴുവനും തള്ളിക്കളയണമെന്നു ഒന്നിച്ച് ഒരു ഭേദഗതി അവതരിപ്പിക്കാൻ പാടില്ല. ഓരോ ക്ലാസ്സും തള്ളിക്കളയണമെന്നു പ്രത്യേകം പ്രത്യേകമായിട്ടുവേണം അവതരിപ്പിക്കാൻ.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ൟ അദ്ധ്യായം മുഴുവനും ഉപേക്ഷിക്കണമെന്നുള്ളതാണ് എന്റെ ആശയം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അഞ്ചാമത്തെ ക്ലാസ്സു തള്ളണമെന്നു പറയുന്നതുകൊണ്ടു ആ അദ്ധ്യായം മാറുകയില്ല. അഞ്ചാമത്തെ ക്ലാസ്സു "ജന്മിക്കരവും പിരിക്കലും" എന്നുള്ള തലക്കെട്ടാണ്. അതു വിട്ടുകളയണമെന്നു വരുമ്പോൾ ആ തലവാചകം മാത്രമെ പോവുകയൊള്ളൂ.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ക്ലാസ്സു ക്ലാസ്സായിട്ടു ഇതാവശ്യമില്ലെന്നു ഞാൻ അവതരിപ്പിക്കണൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ൟ ബില്ലിൽ എന്തൊ പിശകുണ്ടെന്നു മി. തുപ്പൻ നമ്പൂതിരിപ്പാടു സംശയിക്കുന്നുണ്ടായിരിക്കാം. എന്നാൽ ബില്ലിനോടുകൂടിതന്നെ ഒരു പിഴതിരുത്തൽ ലിസ്റ്റുകൂടി ചേൎത്തിട്ടുണ്ട്. അതുനോക്കിയാൽ ക്ലാസ്സ് ൫-ൽ തലവാചകം മാത്രമെയുള്ളു എന്നു വ്യക്തമായിട്ടുകാണുവാൻ കഴിയും.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ക്ളാസ്സ് അഞ്ചിൽ തലവാചകം മാത്രമെയുള്ളു എന്നാണ് ലാമെമ്പർ പറയുന്നത്. എന്റെ ഭേദഗതിയുടെ ഉദ്ദേശം ഇന്നതാണെന്നു ഞാൻ ഈ സഭയെ അറിയിച്ചു കഴിഞ്ഞു; അതായതു് പിരിവുഭാരം ഗവണ്മെന്റ് ഏററു നടത്തുന്ന സ്ഥിതിക്കു ജന്മിയും കുടിയാനും ജന്മിക്കരം നേരിട്ടു പിരിക്കയൊ ഏർപ്പെടുത്തുകയൊ ചെയ്യേണ്ട ആവശ്യമില്ലാത്തതിനാൽ അതിനെപ്പററി വിവരിക്കുന്ന ഈ അദ്ധ്യായം ഇവിടെവേണ്ടാത്തതാണെന്നുള്ളതാണ്. അതിനാൽ ഈ ഭേദഗതി അവതരിപ്പിക്കാൻ പാടില്ല. വാദതടസ്ഥമുണ്ടെന്നു പറയുന്നപക്ഷം അഞ്ചാമത്തെ ക്ളാസ്സു എടുക്കണമെന്നുള്ള ഭേദഗതി ഞാൻ അവതരിപ്പിക്കാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): വാദതടസ്ഥമില്ല. അഞ്ചാമത്തെ ക്ളാസ്സു വേണ്ടായെന്നു പാസാക്കിയാൽ മെമ്പർ വിചാരിക്കുന്ന അദ്ധ്യായം ബില്ലിൽനിന്നും പോവുകയില്ല, തലവാചകം മാത്രമെ പോവുകയൊള്ളു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിമാരും കുടിയാന്മാരും നേരിട്ടു ജന്മിക്കരം പിരിക്ക എന്നുള്ളതിനെ സംബന്ധിച്ചുള്ള ഒരു വ്യവസ്ഥ ഈ ബില്ലിൽ ആവശ്യമുണ്ടോ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): അഞ്ചാമത്തെ ക്ളാസ്സു "ജന്മിക്കരവും പിരിക്കലും" എന്നുള്ള തലവാചകമാണല്ലൊ, അതെടുക്കാതെ അതിന്റെ താഴെ ലാമെമ്പർ അയച്ചിട്ടുള്ള ഭേദഗതി നമ്പർ ൪ ൦ എ മുതൽ എൻ വരെയുള്ള ഭേദഗതികൾ അതായതു ഗവണ്മെന്റു ജന്മിക്കരം പിരിക്കണം; അതു ഇന്നയിന്ന തരത്തിൽവേണം; എന്നുംമററും ഉള്ള വകുപ്പുകൾ ചേർക്കുന്നതുകൊണ്ടു വിരോധം ഉണ്ടൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതു ചേർക്കുന്നതുകൊണ്ടു വിരോധമില്ല. ജന്മിയും കുടിയാനും തമ്മിൽ നേരിട്ടു പിരിവുനടത്തുന്നതിനെ സംബന്ധിച്ചുള്ള വകുപ്പുകൾ ഇവിടെ ആവശ്യമില്ലെന്നാണ് ഞാൻ പറയുന്നതു്.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): മെമ്പർ ഉദ്ദേശിക്കുന്ന ഭേദഗതി നടപ്പിലാകുന്നതുവരെ ഏതുനിയമംഅനുസരിച്ചു പോകാമെന്നാണ് പറയുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞാൻ ഒരു ഭേദഗതി അയച്ചിട്ടുണ്ട്; അതവതരിപ്പിക്കുമ്പോൾ വാദതടസ്ഥമില്ലാതെവന്നാൽ അപ്പോൾ പറയാം.

MR. C. P. BHATTATHIRI (*Co-opted*) : ഞാൻ മി. ത്രുപ്പൻനമ്പൂതിരിപ്പാട്ട അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

ഇന്നു ൧൦൭൧-ലെ ൫-ാം റെഗുലേഷൻ അനുസരിച്ചാണ് ജന്മിയും കുടിയാനും തമ്മിലുള്ള ഇടപാടുകൾ തീൎത്തുവരുന്നത്. ഇനി മേലാൽ ഈ റെഗുലേഷൻ പാസായികഴിഞ്ഞാൽ പിന്നീട്ട ഈ റെഗുലേഷനിലെ വ്യവസ്ഥകൾ അനുസരിച്ചുവേണം നടത്താൻ. അതിനാൽ ജന്മിവാരം പിരിക്കുന്നതിനെ സംബന്ധിച്ചു ജന്മിക്കൊ കുടിയാനൊ അനുകൂലിച്ചൊ പ്രതികൂലിച്ചൊ ഇതുപോലെ യാതൊരു വ്യവസ്ഥയും ചെയ്യേണ്ട ആവശ്യമില്ല. ഇപ്പോൾ ഈ ബില്ലിലെ മൂന്നാം അദ്ധ്യായത്തിൽനിന്നും ഒരു സംശയംകൂടി ജനിക്കുന്നുണ്ട്. അതായത് മേലാൽ ഒരുകാലത്തു ഗവൺമെൻറു ഇപ്പോൾ ഏൽക്കാൻപോകുന്ന ഭാരം വിട്ടുകളയണമെന്നുള്ള ഉദ്ദേശത്തിലല്ലയൊ ഈ വകുപ്പുകൾ ഇവിടെ ചേൎത്തിരിക്കുന്നതെന്നു തോന്നിപ്പോകുമെന്നുള്ളതാണ്. ഇങ്ങിനെയുള്ള സംശയം ജനിപ്പിക്കേണ്ട ആവശ്യമില്ലാത്തതും ജനിപ്പിക്കാൻ പാടില്ലാത്തതുമാകുന്നു. ജന്മിമാരുടെ ഭൂമികളിൽ സെറ്റിൽമെൻറു നടത്തി ജന്മിക്കരം തിട്ടപ്പെടുത്തി കരം ഗവൺമെൻറു ഈടാക്കികൊടുക്കാൻപോകുന്നതായിട്ടാണ് കാണുന്നത്. അങ്ങിനെ തിട്ടപ്പെടുത്തിവരുന്നതിനു കുറെ കാലതാമസം വേണ്ടിവന്നേയ്ക്കാം. അത്രയുംകാലത്തോളം ജന്മിക്കരം ഈടാക്കുന്നതിനു ൧൦൭൧-ലെ ൫-ാം റെഗുലേഷൻ അനുസരിച്ചുള്ള വ്യവസ്ഥചെയ്താൽ മതിയാകുന്നതാണ്. ഈ ബില്ലനുസരിച്ചു ജന്മിമാൎക്കു നേരിട്ടു പിരിക്കുന്നതിനൊ കുടിയാന്മാൎക്കു നേരിട്ടു ജന്മിയെ ഏല്പിക്കുന്നതിനൊ നിവൃത്തിയില്ല. അതിനാൽ ഗവൺമെൻറു പിരിച്ചുതുടങ്ങുന്നതുവരെയുള്ള കുടിശ്ശിഖ ൧൦൭൧-ലെ ൫-ാം റെഗുലേഷനനുസരിച്ചു പിരിക്കാൻ വ്യവസ്ഥചെയ്യുകയൊ അല്ലാത്തപക്ഷം ഗവൺമെൻറു പിരിച്ചുകൊടുത്തുകൊള്ളാമെന്നു ഉറപ്പു പറയുകയൊ ചെയ്യണം. ഇങ്ങനെ ഏതെങ്കിലും ഒരു വ്യവസ്ഥ ചെയ്തില്ലെങ്കിൽ ഇരുകക്ഷികൾക്കും കൂടുതൽ സങ്കടത്തിനും അവർ തമ്മിലുള്ള യോജിപ്പിനു ഹാനിക്കും കാരണമാകുന്നതാണ്. ഈ കാരണങ്ങളാൽ ഞാൻ മി. ത്രുപ്പൻനമ്പൂതിരിപ്പാടിൻെറ ഭേദഗതിയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

PRESIDENT : I would like to point out that the amendment is simply to delete Clause V, which reads,

"In Chapter III, of the said of the Regulation, for the heading of Part A the following shall be substituted, namely Part A Jenmikaram and its recovery."

The discussion is about the whole Chapter, while the amendment relates only to the deletion of the heading. That discussion cannot be allowed. Anybody who wishes to speak on the amendment ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I wish to speak on the subject. It appears to me that the amendment is necessary, though I concede that it is not in proper form. The learned Law Member's amendment, No. 44, deals with the procedure to be adopted for the realisation of the jenmikaram. This Chapter III also deals with the same subject. On reading Chapter III side by side with the proposals contained in amendment No. 44, it will be found that every Clause in this amendment cancels every one of the clauses in Chapter III. While it is stated there that the Jenmi shall realise the jenmikaram in a particular manner through the Court, Amendment No. 44 says that the Jenmi shall not do it. Wherever jenmikaram is claimable in kind, amendment No. 44 states that it shall be paid only in money. That is the difficulty. We shall have to adopt only one of the two courses. When the Bill came up for discussion, it was stated that the Jenmis would accept all these proposals provided Government would undertake the responsibility of collecting all the dues. We have also been laying emphasis on the point. If Government are going to collect the dues, no Kudiyan will have any difficulty in paying these amounts. He will be compelled to pay, and without any difficulty the Sirkar can realise it. The Jenmis and Kudiyans rely upon the Government. If that is the course Government are going to adopt, my submission is that these provisions in Chapter III are unnecessary. As I submitted, it declares the method of realisation, and the rate at which payment is to be made. The same matters dealt with in Chapter III are also dealt with in amendment No. 44. I consulted the Law Member and he told me that Government may take some time for preparing the Jenmikaram Register and prescribing other procedure for realising these dues. What is to be done till the Sirkar is in a position to do all that, is not known. That is a real difficulty. Further, my own impression is that these two Sections are to form part of the same Regulation, one authorising certain things to be done by one party and declaring that one party shall have certain rights against the other, and the other saying that those powers and rights shall not be vested in them. My impression is that it would be improper and that it would lead to difficulties in the working of the Regulation. Government have undertaken once for all that they will realise this. Then, why not we say that amendment 44 proposed by the Law Member shall form part of Chapter III? Why should we have two Chapters annulling each other? That is my suggestion. If the Law Member's difficulty is in regard to realisation of arrears during the interval, that is, till the Jenmikaram Register is prepared and Government act Under Section 40 A, my suggestion is that a provision may be made for the purpose of enabling the Sirkar to realise those dues also. There was a talk about that yesterday. It should not be said that merely because there is a technical defect in the amendment proposed it should be rejected. I submit that the Law Member may be called upon to explain why Chapter III should exist side by side with amendment No. 44. If there is no proper explanation, I should support Mr. Tuppan Namputiripad.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to oppose the amendment. I tried, with some labour,

to explain to Mr. Tuppan Namputiripad that his amendment relates only to the deletion of Clause V. Assuming for a moment that his motion is accepted, the House would only be deleting the heading of the Chapter, namely, "Jenmikaram and its recovery." The House is not entitled, in considering this amendment, to discuss the contents of the Chapter which form part of the Regulation and which is not the subject of amendment now.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member mean that we are only at Clause V?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What about the remaining?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I explained, the question has to be put clause by clause. The present amendment relates only to Clause V. So long as the Chapter concerned remains, I do not see why the heading should not also remain. The heading now proposed is "Jenmikaram and its recovery" instead of "Michavaram and its recovery." It is only a consequential amendment.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Sir, so far as I could see, I do not think the amendment has any force at all. What we find as the heading of this Chapter is "Jenmikaram and its recovery." Whether it is to be recovered by a suit or in a court of law, or whether it is the Government agency that is to recover it, is not under our consideration now. It cannot be denied that it is jenmikaram that has to be recovered. So the retention of the heading "Jenmikaram and its recovery" is at best only innocuous. It cannot be said that if the heading is allowed to stand, it would in any way go against the proposed provisions of the Bill even if they are accepted. Even if the amendment of the Law Member to Section 40 is accepted, it would only be another method of recovery of jenmikaram. As such, I support the Law Member in his opposition to the amendment to Clause V.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): വെറും തലക്കെട്ടിനോടു മാത്രമുള്ള വഴക്കുകൊണ്ടല്ല ഈ ഭേദഗതി അയച്ചിട്ടുള്ളതു്. ൩-ാം അദ്ധ്യായത്തിൽ അടങ്ങിയിട്ടുള്ള തത്വങ്ങളുടെ ആവശ്യകതയേയൊ അനാവശ്യകതയേയൊ പററി വാദിച്ചു ഒരു തീരുമാനം ഉണ്ടാക്കുന്നതിനുവേണ്ടിയാണ് ൫ മുതൽ ൨൦ വരെ ക്ലാസുകൾ എടുത്തുകളയണമെന്നുള്ള ഭേദഗതി ഇവിടെ ഹാജരാക്കിയിട്ടുള്ളതു്. ക്ലാസ്സ് ക്ലാസായി എടുക്കണമെന്നുള്ള ഭേദഗതി അവതരിപ്പിച്ചു അതിനുള്ള കാരണങ്ങൾ ഓരോ ക്ലാസിനെപ്പററി വരുമ്പോഴും പറയുന്നതിനെക്കാൾ നല്ലതു് എല്ലാം ഒന്നിച്ചു പറയുകയല്ലയൊ നല്ലതു എന്നു എനിക്കു സംശയമുണ്ടു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഗവമ്മെൻറു പിരിച്ചുകൊടുക്കാമെന്നു പറഞ്ഞിട്ടുണ്ടല്ലോ. അതു പെട്ടെന്നു നടപ്പിൽവരുമെന്നു വിചാരിക്കുന്നുണ്ടോ? ജന്മിക്കരം രജിസ്റ്റർതല്യാറാക്കി ഗവമ്മെൻറു പിരിച്ചുതുടങ്ങുന്നതുവരെ ജന്മിമാക്കു ഒന്നും വേണ്ടെന്നാണൊ പറയുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇതു വേണ്ട എന്നു പറയുന്നതു് കുടിയാന്മാക്കനുകൂലമാണു്. എന്നാൽ ജന്മി എങ്ങിനെ കരം ഈടാക്കും?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ൧൦൭൧-ലെ ൫-ാംറഗുലേഷൻ അനുസരിച്ചു ഈടാക്കാമല്ലൊ, അതിനാൽ ൫-ാം അദ്ധ്യായം ഇവിടെ അനാവശ്യമാണു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikaplli*): ൧൦൭൧-ലെ റഗുലേഷൻ അനുസരിച്ചു് ജന്മിക്കരം ഈടാക്കാൻ വകുപ്പുണ്ടു്. അതാണു് ഇവിടെയും കിടക്കുന്നതു്.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): പഴയരീതിയിൽതന്നെ ഈടാക്കാൻ എന്താണു് പ്രയാസം?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to a point of order. The amendment relates to the deletion of Clause V. Upon that amendment, the method of recovering the jemikaram now or in the future does not arise. We are only concerned with the heading of the Chapter. The member has to speak about the question of retaining or omitting the heading alone.

PRESIDENT: I have already ruled on that point. Members should confine themselves to the heading and not to the contents of the Chapter. Please explain that in malayalam.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിക്കരം കക്ഷികൾ തമ്മിൽ പിരിക്കുന്നതിനുള്ള വകുപ്പുകൾ ഉണ്ടായിരിക്കരുതെന്നു ജന്മി മെമ്പർമാർ പ്രസ്താവിച്ചതിനെപ്പററിയുള്ള വാദപ്രതിവാദത്തിനും ഈ ഭേദഗതിക്കും തമ്മിൽ യാതൊരു സംബന്ധവുമില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): തലക്കെട്ടു മാററണമെന്നുള്ള ഭേദഗതി ഇവിടെ ഹാജരാക്കുന്നതു കൊണ്ടു വിരോധമില്ലല്ലോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിവാരം ഏതു വിധത്തിൽ ഈടാക്കണമെന്നു ഈ ഭേദഗതിയിൽ പറയുന്നതു അനംഗതമാണു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): ൬ മുതൽ ൧൦ വരെയുള്ള ക്ലാസുകളും എടുത്തു കളയണമെന്നു പറയാമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഒരുമിച്ചു പറയാൻ പാടില്ല. ഓരോ ക്ലാസായി അവതരിപ്പിക്കണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അമൻറുമെൻറു ഒന്നായിട്ടാണല്ലോ അയച്ചിട്ടുള്ളതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതിനു വിരോധമില്ല. ഓരോ ക്ലാസായിട്ടു ഭേദഗതി അവതരിപ്പിച്ചാൽ മതി.

MR. C. N. TUPPPAN NAMPUTIRIPAD (*Jennies*): ഇനി അമൻറുമെൻറു പ്രത്യേകം അയക്കണൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു വേണ്ട. അതാതു ക്ലാസു വരുമ്പോഴും അവതരിപ്പിച്ചാൽ മതി, ഞാൻ അതിനെപ്പററി തർക്കിക്കുന്നില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ക്ലാസ് ൫ ആവശ്യമില്ല എന്നുള്ളതാണ് എന്റെ ഭേദഗതി.

MR. A. S. DAMODARAN ASAN (*Marelikara cum Kartikapalli*): അഞ്ചാമത്തെ ക്ലാസിൽ ഇപ്പോഴും ചേർത്തിട്ടുള്ള ഭേദഗതി വേണ്ടെന്നു പറഞ്ഞാൽ പഴയ ക്ലാസല്ലേ ശേഷിക്കുന്നതു്? അതായതു "മിശ്രവാരവും കസ്റ്റമറിഡ്യൂസും" എന്നുള്ള ക്ലാസല്ലെ അതിൽ കിടക്കുന്നതു്"?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അങ്ങിനെയായിരിക്കാം.

MR. A. S. DAMODARAN ASAN (*Marelikara cum Kartikapalli*): അതങ്ങനെ കിടക്കണമെന്നാണൊ മെമ്പറുടെ അഭിപ്രായം?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അങ്ങനെ എനിക്കഭിപ്രായമില്ല. ഗവൺമെൻറു പിരിവു ഭാരം കയ്യേൽക്കുന്ന സമിതിക്കു ജന്മിയും കുടിയാനും തമ്മിൽ നേരിട്ടുള്ള ഇടപാടുകളെപ്പററി വ്യവസ്ഥ ചെയ്യുന്ന ഒരു വകുപ്പു ഇവിടെ ആവശ്യമില്ലെന്നുള്ളതാണ് എന്റെ ആശയം. ആ അഭിപ്രായം ഇതു കൊണ്ടു സാധിക്കുമെന്നുള്ള വിചാരത്തിലാണ് ഞാൻ ഈ ഭേദഗതി ഇവിടെ കൊണ്ടു വന്നതു്. ഇതു പാടെ തടസ്ഥം കൊണ്ടു തള്ളിപ്പോയി എന്നു വന്നാൽ ഞങ്ങൾക്കു സഹിക്കയേ നിവൃത്തിയുള്ളൂ. ഈ സഭ ഞങ്ങളുടെ ഉദ്ദേശം മനസ്സിലാക്കിയിട്ടുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അഞ്ചാമത്തെ ക്ലാസ് തലവാചകം മാത്രമാകയാൽ അതിനെ സംബന്ധിച്ച അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതി പിൻവലിക്കുന്നുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അതു പിൻവലിച്ചാൽ ൩-ാം അദ്ധ്യായം മുഴുവനും എടുത്തു കളയണമെന്നുള്ള ഭേദഗതി പിൻവലിച്ചതായിട്ടു വരികയില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അപ്പോൾ അടുത്ത ക്ലാസിലേക്കുള്ള ഭേദഗതി വേണ്ടേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു നാളെ കൊടുത്താൽ മതി.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അടുത്ത ഓരോ ക്ലാസുകളിലേക്കുമുള്ള ഭേദഗതി നാളെ അയച്ചാൽ മതി എന്നുള്ള വിശ്വാസത്തോടുകൂടി ഞാൻ ഇതു പിൻവലിക്കാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ ഒന്നുമില്ല. ഞാൻ ഒരുപദേശരൂപേണ പറഞ്ഞു എന്നേയുള്ളു, മനസ്സുണ്ടെങ്കിൽ ഇതു പിൻവലിച്ചാൽ മതി.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): ഞങ്ങളുടെ ആശയം ഇന്നതാണെന്നു ഈ സഭയെ മനസ്സിലാക്കിക്കഴിഞ്ഞു. ഇനി ഈ സഭയുടെ തീരുമാനത്തിനായി ഞാൻ ഇതിനെ വിട്ടിരിക്കുന്നു.

MR. P. S. MAHOMED (*Nominated*): ൫ മുതൽ ൨൦ വരെയുള്ള ക്ലാസുകൾക്കുള്ള ഭേദഗതി ഒന്നായിട്ടയച്ചിരിക്കുന്നതുകൊണ്ടു ഓരോ ക്ലാസിനെപ്പററിയുള്ള ഭേദഗതിയും ഇപ്പോൾ തന്നെ അവതരിപ്പിക്കാമെന്നുള്ളതറിയാമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അറിയാം.

ഈ ഭേദഗതി വോട്ടിനിടണമെന്നു ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ക്ലാസ് ൫-ൽ പറയുന്നതു 'ജന്മിക്കരവും അതു പിരിക്കാനുള്ള രീതിയും' എന്ന തലവാചകമാണ്. ജന്മിക്കരം പിരിക്കുന്നതിനു എന്തെങ്കിലും ഒരു വ്യവസ്ഥ ആവശ്യവുമാണ്. അങ്ങിനെയുള്ള ഒരു വ്യവസ്ഥ മുമ്പു പറഞ്ഞ തലക്കെട്ടിൽ തന്നെ ആയിരിക്കയും വേണം. ആ സ്ഥിതിക്കു ആറു മുതൽ ൯ൻ വരെയുള്ള ക്ലാസുകൾക്കു ഭേദഗതി ഹാജരാക്കാനുള്ള അനുവാദം

ഇപ്പോൾ തന്നെ തരികയാണെങ്കിൽ അസംബ്ലിയിലേക്ക് അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതി പിൻവലിക്കരുതൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അതിനു വിരോധമില്ല.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): ൭ മുതൽ ൧൦ വരെയുള്ള ക്ലാസുകളിലേക്കുള്ള ഭേദഗതി ഓരോന്നിനേയും പ്രത്യേകം പ്രത്യേകമായി പരിഗണിച്ച് ൧൧ ഭേദഗതിയായിട്ട അവതരിപ്പിക്കണമെന്നാണ് പറഞ്ഞത്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmis*): അതിനിൽ സമ്മതിലായി.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അപ്പോൾ ഇതു പിൻവലിക്കുന്നുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഇല്ല.

The amendment was than put to vote and lost and clause V was added to the Bill.

Clause VI

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to oppose the amendment moved by Mr. Tuppan Namputiripad for the deletion of the clause VI. Let me give the real purport of the clause. Clause VI introduces a Section which reads thus. For Section 15, sub-section (1) of the said Regulation, the following shall be substituted namely:—

(1) "Every contract of kanapattam made or renewed after the commencement of the Amendment Regulation shall, in addition to other particulars, specify..................."

So the idea is to substitute a particular provision for the existing sub-section (1). If this clause is deleted, the result would be that the old Section would remain. If that is the desire of Mr. Tuppan Namputiripad, certainly it is a legitimate one, in moving for the deletion of it. I venture to say, however both to Mr. Raman Namputiripad and to Mr. Tuppan Namputiripad that the amendment would not serve their purpose. So, there is practically nothing that is to be achieved by the amendment. I hope Mr. Tuppan Namputiripad would withdraw the amendment because I think it is far from his desire to make such an amendment. We have made certain provisions in the previous clauses to the effet that *michavaram* as such shall not exist in future. There is no purpose in mentioning the amount of the michavaram that is to be collected in such a document. You have to say what the *jenmikaram* is. With a view to effect that change, this amendment is proposed to be made to this Regulation, *viz.*, that, for Section 15, sub-section (1) of the said Regulation, the new Section is to be substituted. If that is deleted, the result would be, that the old Section 15, sub-section (1) would remain. If that is the desire of Mr. Raman Namputiripad, though it is a relevant desire, I think every member should vote him down.

RAO BAHADUR A. VENKATARAMA IYER (*Nominated Deputy President*): I regret I connot lend my support to the amendment now proposed by Mr. Tuppan Namputiripad. What he wants is to delete Section 15, sub-section (1) of the Bill. That Section only lays down what all things should be contained in a kanapattom deed, made actually after the passing of this Regulation. Even in the prior Regulation, *viz.*, in the Regulation of 1071, there is a similar provision. If it is the intention of the register to regulate kanapattom contracts, a provision laying down what all should contain in such a document is essential. It is just for that purpose that the provision is put in. From the argument advanced by Mr. Tuppan Namputiripad, I should think that what he wants is that parties must be left to have absolute control of the terms of the contract they enter into. That idea, I think, could not in any way be affected by the provision now proposed to be introduced. If the contract is to have in law the effect of a kanapattom deed then what is proposed is that there are certain conditions to be satisfied before the law would accept it as a kanapattom deed. It is with that idea that this porvision has been inserted. Mr. Raman Namputiripad said that he would have no objection to the Section as it is now in case it relates only to future kanapattom deeds. Certainly I do not think that the Legislature intends to interfere with the right of the jenmis to execute kanapattom documents with reference to properties that they have enjoyed absolutely. Such enjoyment of properties can be had on ordinary leases or *venpattoms.* If the parties arrive at an understanding that after a particular date they must deal with themselves as a jenmi and a kudiyan, the Legislature would not in any way interfere with that. It is with that object that this provision has been inserted.

True, there is some scope for a misunderstanding by the insertion of the words "or renewed". If my understanding of it is correct, I think the sense of the House is to see that no renewals take place, or that renewals should take place only at the time of every settlement and that all the rights and liabilities that the parties were enjoying hitherto by way of renewal fee and other particulars must be definitely settled. In fact, they have been reduced to a form by the various provisions of the Bill itself, as fixed by the statute.

Probably it was under these circumstances Mr. Krishna Pillai thinks that the words "or renewed" should be deleted for avoiding any misconception. I quite agree with him. But then, to say that the whole Section must be deleted, as was put in by Mr. Tuppan Namputiripad will lead to difficulties. For there would be no provision whereby it would be possible for the jenmis to create a kanapattom deed. If the legal incidents of kanapattom should attach to them, necessarily the statute must lay down what all details it should contain. Rather than leaving it to a jenmikaram officer to decide and to grope in the dark, it is better that the statute itself makes some definite provision in the matter. With these words, I oppose the amendment of Mr. Tuppan Namputiripad as regards the deletion, and I propose that the clause as it exists in the Bill be left alone.

MR. S KRISHNA PILLAI (*Karunagapalli*) : Sir, a word in connection with this amendment. Section 43 of the Amendment Regulation says that "in contracts relating to Jenmom lands entered into for the first time after this Regulation comes into force, the question whether the tenancy is terminable or otherwise shall be determined according to the intention of the party as gathered from the terms of the contract". It was agreed at the Jenmikudiyan Round Table Conference that even after the commencement of the opertion of the new Regulation, there shall be kanapattom documents; and this Bill does not intend to prevent such tenancy from coming into existence. Clause VI deals with cases that might inevitably arise under contingencies contemplated in Section 43. Section 15 therefore says that hereafter, when a kanapattom document is executed it shall contain the following particulars, and it is also necessary that the legislation should say all that a kanapattom document should contain. Section 15 further says that if a document produced for registration does not comply with certain requirements, the registration of it should be refused. In order that complications might be avoided, it is better that it states what all it should contain. When we allow new kanapattom documents to come into existence hereafter, it is necessary to state what all should be contained in the kanapattom documents that are thus executed. This Section is intended only for that. Therefore I oppose the proposal to delete Clause VI in the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I also oppose the amendment of Mr. Tuppan Namputiripad. I wish to make clear just one point. If this amendment is accepted, I think, as the Law Member says, the old Section 15 sub-section (1) would be restored. The old Section in part (b) states :—

> " The pattom assessed on the several parcels of wet lands and dry lands comprised in the holding and in the case of garden lands the number of assessable trees there are, if any."

Many difficulties have been experienced by the parties as well as courts in apportioning the amount on each of the items in a particular holding; and so it was stated, in the case of a number of items of property comprised in a kanapattom, the pattom assessed on each of the items must be separately stated. In clauses (e) and (f) it is stated, in the place of customary dues and renewal fees, the cesses payable in lieu of such customary dues, must also be substituted. These are the changes that are now sought to be introduced by the present amendment. I do not see how the jenmi members would be prejudiced by accepting this amendment. As Mr. Raman Namputiripad himself conceded they did not say that these kanapattoms are objectionable transactions and that these should be illegalised in future. My friend's objection seems to be with regard to the word "renewed". That word appears in the old clause also. So even if this is deleted and the old Section is restored, the word "renewed" would still be there. So, I do not think, the amendment proposed by Mr. Tuppan Namputiripad could be accepted. If it is accepted and passed, I am of opinion that it would be detrimental more to the interests of the jenmis than those of the kudiyans. With these words I oppose the amendment.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ക്ലാസ് ആറു ഈ ബില്ലിൽനിന്നും എടുത്തുകളയണമെന്നുള്ള ഭേദഗതി ഞാൻ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു. ജന്മിക്കരം ഗവണ്മെൻറു പിരിച്ചുകൊടുക്കുമെന്നുള്ളതിനാൽ ജന്മികുടിയാനിൽനിന്നും നേരിട്ടുപിരിക്കേണ്ട ആവശ്യം വരുന്നില്ല; ആ സ്ഥിതിക്കു ഈ ക്ലാസ്സ് ഇവിടെ ആവശ്യമില്ല എന്നുള്ളതാണ് ഈ ഭേദഗതിക്കുള്ള കാരണം.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): മി. തുപ്പൻനമ്പൂതിരിപ്പാട്ട് അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു.

ജന്മിക്കരം ഗവണ്മെൻറുതന്നെ പിരിച്ചുകൊടുക്കുക എന്നുള്ള തത്വത്തിന്മേൽ രണ്ടാമത്തെ സിലക്ട്കമ്മിററിയിൽവച്ച് മററു ചില കാര്യങ്ങളെല്ലാം രാജിയായിട്ടു സ്വീകരിക്കാമെന്നുള്ള ഒരു തീരുമാനം ഉണ്ടാക്കുകയും, എന്നാൽ ഗവണ്മെൻറു ഇതിനെപ്പററി തീരുമാനിക്കുന്നതിനുമുമ്പ് ബാക്കിഭാഗങ്ങൾ ആലോചിക്കുന്നതു അപകടമായിട്ടു തീരുമെന്നു ജന്മി മെംബർമാർ പറയുകയും ചെയ്തുവെങ്കിലും അത്രയും കാലം താമസിക്കുന്നതിനു സിലക്ട്കമ്മിററിക്കു അധികാരമില്ലാത്തതിനാൽ ഗവണ്മെൻറിൽനിന്നും ഇതു സമ്മതിച്ചില്ല എന്നുള്ളനിലയിൽ ബിൽ രൂപീകരിക്കണമെന്നു ബാക്കിയുള്ള മെംബർമാർ അഭിപ്രായപ്പെട്ടതനുസരിച്ചു രൂപീകരിച്ചിട്ടുള്ള ഒന്നാണ് ബില്ലിലെ മൂന്നാം അദ്ധ്യായം. കഴിഞ്ഞ കർക്കടകമാസത്തിൽ ജന്മിക്കരം ഗവണ്മെൻറു പിരിച്ചുകൊടുക്കാമെന്നു പറഞ്ഞു. ആ രീതിയിൽ ആവശ്യമുള്ള ഭേദഗതികൾ ബില്ലിൻെറ രണ്ടാംവായനയിൽ കൊണ്ടുവന്നു പാസാക്കാമെന്നു വിചാരിക്കയും ചെയ്തു.

എന്നാൽ ഗവണ്മെൻറു പിരിക്കുന്നതിനു തുടങ്ങുന്നതുവരെയുള്ള കാലത്തെ നടപടികൾക്കായി ഒരു വ്യവസ്ഥ ഈ ബില്ലിൽ ഉണ്ടായിരിക്കേണ്ട ആവശ്യമൊന്നുംതന്നെയില്ല. അതിനാൽ ക്ലാസ് ൬ എടുത്തുകളയണമെന്നുള്ളതാണ് എൻെറ അഭിപ്രായം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): മേലാൽ കാണപ്പാട്ട ആധാരം ജനിക്കരുതെന്നു മെംബർക്കു വിചാരമുണ്ടോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഉണ്ടാകാതിരിക്കണമെന്നാണ് എൻെറ മോഹം.

MR. A. S. DAMODAHAN ASAN (*Mavelikara* cum *Kartikapalli*): കാണപ്പാട്ടആധാരം നിർമ്മിക്കരുതെന്നു ഒരു നിയമം വേണോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): വേണമെന്നു നിർബന്ധമില്ല.

MR. A. S. DAMODARAN ASAN (*Maveikara* cum *Kartikapalli*): ഒരു കാണപ്പാട്ട ആധാരത്തിൽ ഇന്നയിന്നതെല്ലാം അടങ്ങിയിരിക്കണമെന്നുള്ളതാണ് ആറാമത്തെ ക്ലാസിൽ പറയുന്നതു്. അതാവശ്യമില്ലന്നാണൊ മെംബർ പറയുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): മേലാൽ കാണപ്പാട്ട ആധാരം ഗവണ്മെൻറു കൊടുക്കുന്ന പട്ടയമാണ്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): വെൺപട്ടമായിട്ടുള്ള വസ്തുക്കളൊ തനതിൽ കിടപ്പുള്ള വസ്തുക്കളൊ കാണപ്പാട്ടമായി കൊടുക്കേണ്ടിവരുമല്ലൊ? അങ്ങിനെകൊടുക്കുന്നതു ഇന്നയിന്നതരത്തിലായിരിക്കണമെന്നു ഈ റഗുലേഷനിൽ ഒരു വ്യവസ്ഥവേണ്ടെ? അതു കഴിഞ്ഞു സമ്മറി സൂട്ടു മുതലായവ കൊടുക്കുന്നതിനും റഗുലേഷനിൽതന്നെ വ്യവസ്ഥവേണ്ടെ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഇതിൽ വ്യക്തമായിട്ടല്ല കാണുന്നതു്. പുത്തനായി കാണപ്പാട്ടം കൊടുക്കുമ്പോഴും ഇന്നയിന്ന വ്യവസ്ഥയുണ്ടായിരിക്കണമെന്നു പറഞ്ഞിരുന്നാൽ മനസിലാക്കാമായിരുന്നു. ഈ വ്യവസ്ഥയായിരുന്നാൽ ജന്മിക്കരം രജിസ്റ്റർ ഗവണ്മെൻറു തയ്യാറാക്കി കഴിഞ്ഞാലും ഇതു ആ തരത്തിലുള്ള കാണപ്പാട്ട വസ്തുക്കളെക്കൂടി ബാധിക്കുകയില്ലെ എന്നുകൂടി സംശയം തോന്നുന്നുണ്ട്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ആധാരങ്ങളും പുതുക്കാൻപാടില്ലെന്നും ഈ ബില്ലിൽ പറയുന്നുണ്ട്. ആ സ്ഥിതിക്കു ഇതു് മേലാൽ ഉണ്ടാകുന്ന കാണാധാരങ്ങളെ സംബന്ധിച്ചുമാത്രമെ ബാധിക്കയൊള്ളൂ എന്നാണല്ലൊ വരുന്നതു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മേലുലുണ്ടാകുന്ന ആധാരങ്ങളും കാണമാണൊ, അതല്ല കരാറാണൊ, എന്നു രജിസ്റ്റർചെയ്യുന്ന രീതിയനുസരിച്ചുവേണ്ട നിശ്ചയിക്കാൻ. ആധാരം എഴുതിയശേഷം അതു കാണമാണൊ അല്ലെങ്കിൽ കരാറാണൊ, എന്നുനോക്കിഅതാതിൽ ഉൾപ്പെടുത്തിയാൽ പോരെ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതു മതി.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇതിൽപറയുന്ന വ്യവസ്ഥ കാണപ്പാട്ട ആധാരങ്ങൾക്കുവേണ്ടെ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): കരാറുകളെ കാണിക്കാനുള്ള വ്യവസ്ഥമാത്രം മതിയാകുന്നതാണു. ജന്മിയും കുടിയാനും

[Mr. N. Raman Namputiripad.]

തമ്മിലുള്ള ബന്ധത്തെ കാണിക്കുന്ന സകലസംഗതികളും ഇന്നത്തെ ആധാരങ്ങളിലാണ് ഇരിക്കുന്നതു്. മേലാൽ അധാരങ്ങൾ ഉണ്ടാവുകയില്ല; അതിനാൽ ഈ അദ്ധ്യായമെ ആവശ്യമില്ലാത്തതാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കാണപ്പാട്ട ആധാരം ഇപ്പോൾ നിയമവിരോധമാക്കിയിട്ടുണ്ടോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*). ഇല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ആസ്ഥിതിക്കു മേലാലുണ്ടാകുന്ന ആധാരങ്ങളിൽ ഇന്നയിന്ന വ്യവസ്ഥകളടങ്ങിയിരിക്കണമെന്നു പറയേണ്ട ആവശ്യമില്ല.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*). അതു് ഇതിൽ വ്യക്തമല്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മേലാലുണ്ടാകുന്നകാണപ്പാട്ട ആധാരങ്ങളിൽ ഇന്നയിന്ന വ്യവസ്ഥകൾ അടങ്ങിയിരിക്കണമെന്നുള്ളതു ജന്മിമാരുടെ പട്ടയത്തിൽ ഉൾപ്പെടണമെന്നുള്ള ഉദ്ദേശത്തിലല്ലെ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതെ.

MR. C. N TUPPAN NAMPUTIRIPAD (*Jenmies*): മേലാലുണ്ടാകുന്ന ആധാരങ്ങൾ ആധാരത്തിലെ വ്യവസ്ഥകളനുസരിച്ചു അതാതിൽതന്നെ ഉൾപ്പെട്ടുകൊള്ളുകയില്ലെ? കാണായാധാരമാണെങ്കിൽ പട്ടയത്തിൽ ചേരുമല്ലൊ.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഈ വകുപ്പു വ്യക്തമല്ലാത്തതിനാൽ ഇതിനെ എടുത്തുകളയണമെന്നാണ് എൻ്റെ അഭിപ്രായം. ഇപ്പോഴിരിക്കുന്ന വകുപ്പു പുതിയ കാണയാധാരങ്ങളെമാത്രമെ ബന്ധിക്കയൊള്ളുഎന്നു ഇതിൽനിന്നും അർത്ഥമാകുന്നില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മി. ദാമോദരൻ ആശാൻ്റെ അഭിപ്രായം പുത്തനായി എഴുതുന്ന കാണാധാരങ്ങളിൽ ഉണ്ടായിരിക്കേണ്ട വ്യവസ്ഥയെപ്പററിയാണ് ഇതിൽ പറഞ്ഞിരിക്കുന്നതെന്നാണ്. ആധാരം ഏതായിരുന്നാലും, കരം ഗവൺമെൻറു പിരിച്ചുതരികയെന്നുള്ളതുകൊണ്ടു അതു ജന്മിയുടെപട്ടയത്തിൽ ഉൾപ്പെടുന്നതാണ്. അതുകൊണ്ടു ഈ വകുപ്പു ഇവിടെആവശ്യമില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഈ വകുപ്പിൽ കാണാധാരത്തിൻ്റെ വിവരണം (specification) മാത്രമെ അടങ്ങിയിട്ടുള്ളു എന്നുള്ളതറിയാമൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഇനുള്ള ആധാരങ്ങളെല്ലാം സെററിൽമെൻറ വിചാരണയിൽ പട്ടയത്തിൽ ഉൾപ്പെട്ടും. മേലാൽ ഉണ്ടാകുന്നതു് പട്ടയത്തിൽ ചേരേണ്ടതാണെങ്കിൽ ചേൎത്തുകൊള്ളുമെല്ലൊ. അതിലേക്കു ഇവിടെ ഒരു വിവരണത്തിൻെറ ആവശ്യമില്ലല്ലോ.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): മേലാൽ ആധാരങ്ങൾ രണ്ടുമൂന്നുവിധത്തിൽ ജന്മിക്കും കുടിയാനും എഴുതാം. അതിൽ കാണആധാരം ഇന്നതരത്തിലായിരിക്കണമെന്നുമാത്രമാണു് ഇതിൽ പറയുന്നതു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : കാണആധാരത്തിനു ഇന്നവ്യവസ്ഥവേണമെന്നു പറയുമ്പോൾ ഒററിആധാരത്തിനു ഈ വ്യവസ്ഥവേണമെന്നും പറയേണ്ടേ? ഓരോ ആധാരങ്ങൾക്കും ഇന്നയിന്ന വ്യവസ്ഥവേണമെന്നു പറയുന്നതു് എളുപ്പമല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതിനൊക്കെ വ്യവസ്ഥയുണ്ടു്. അതില്ലാതെ കൊണ്ടുപോയാൽ ആധാരം രജിസ്റ്റരാക്കിത്തരികയില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) . കാണആധാരം ജന്മിയും കുടിയാനും തമ്മിലുള്ള കരാറാണു്, അതിലേക്കു ഈ വ്യവസ്ഥയൊന്നും ആവശ്യമില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ജന്മിക്കരം തയാറാക്കുന്നതിനു ഈ വ്യവസ്ഥകളെല്ലാം അടങ്ങിയിരിക്കുന്നതല്ലെ നല്ലതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ആധാരത്തിലുള്ള കരാറനുസരിച്ചു തയ്യാറാക്കിയാലും മതി.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) ഈ റെഗുലേഷൻ ജന്മിമാരും കുടിയാന്മാരും തമ്മിലുള്ള കാണാധാരങ്ങളെ സംബന്ധിക്കുന്നതല്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അതെ.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ആസ്ഥിതിക്കു മേലാലുണ്ടാകുന്ന ആധാരങ്ങളിൽ ഇന്നയിന്ന വ്യവസ്ഥ ഉണ്ടായിരിക്കണമെന്നു ഈ റെഗുലേഷനിൽതന്നെ നിർണ്ണയിക്കുകയല്ലെ നല്ലതും?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : മേലാൽ അതാവശ്യമില്ലെന്നാണു് ഞാൻ പറയുന്നതു്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : കാണവസ്തുക്കളല്ലാതെ ജന്മികൾ വേറെവസ്തുക്കളില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഉണ്ട്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : അതുകാണം കൊടുക്കാൻ സാധിക്കുമൊ?

MR. C. N TUPPAN NAMPUTIRIPAD (*Jenmies*) : കാണമായിട്ടോ ഒററിയായിട്ടോ എഴുതികൊടുക്കാൻ സാധിക്കും.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : അങ്ങിനെ കൊടുക്കുന്നകാണാധാരത്തിൽ ഇന്നയിന്ന വ്യവസ്ഥകളുണ്ടായിരിക്കണമെന്നു റഗുലേഷനിൽ നിർണ്ണയിക്കുന്നതു നല്ലതല്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) ആധാരത്തിലെ വ്യവസ്ഥയനുസരിച്ചു പട്ടയത്തിൽ ഉൾപ്പെടേണ്ടതാണെങ്കിൽ ഉൾപ്പെട്ടുകൊള്ളുമല്ലൊ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : ഈ ഭേദഗതി പാസ്സായാൽ പഴയസെക്ഷനാണ് ഊജ്ജിതത്തിൽ വരുന്നതു് എന്നറിയാമോ ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*). പഴയസെക്ഷൻ ഊജ്ജിതത്തിൽ വരുത്തണമെന്നു എനിക്കഭിപ്രായമില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഈ ഭേദഗതി പാസായാൽ പഴയക്ലാസ് ആണു ഊജ്ജിതത്തിൽ വരുന്നതെന്നു ഞാൻ പറഞ്ഞുകൊള്ളട്ടെ ?

MR C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അതുവരാൻ പാടില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): എന്നാൽ ഈ ഭേദഗതി പിൻവലിക്കണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmeis*). ജന്മിഭാഗത്തെ ആശയം കൗൺസിലിനെ മനസ്സിലാക്കികഴിഞ്ഞു. എന്നാൽ ഇതു ജന്മിഭാഗത്തേക്കു ആവശ്യമാണോ അല്ലയൊ എന്നുള്ള കാര്യം നിശ്ചയിക്കുന്നതിനുള്ള അധികാരത്തോടുകൂടി ഞാൻ ഈ ഭാഗം ഈ കൌൺസിലിനു വിട്ടുകൊടുത്തിരിക്കുന്നു.

PRESIDENT : Have you anything more to say, Mr. Paramesvaran Pillai?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have nothing to add to what I said.

PRESIDENT : The amendment moved by Mr. Tuppan Namputiripad is that Clause VI be deleted.

The amendment was put to the vote of the House and lost.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, I beg to move that the words "*or renewed*" occuring in Section 15, sub-section (1) be deleted.

My object in moving this amendment is only this. Section 13 that we have already accepted reads thus.—

"Notwithstanding any usage or contract to the contrary, it shall not be obligatory on the Jenmi to renew, or on the Kudiyan to accept the renewal of a contract of kanapattom."

If that forms part of the amendment Bill, then there is no occasion for a provision for a renewal of a kanapattom after this Bill is passed. Section 15 says :—

"Every contract of kanapattom made or renewed after the commencement of the amendment Regulation shall, in addition to other particulars."

After passing Section 13 there is no meaning in retaining the words "or renewed" because hereafter no Jenmi shall be entitled to compel a kudiyan to accept a renewal nor shall the kudiyan ask the jenmi to accept a renewal. It will also be seen from the discussion that we have had about the previous Sections that a renewal as a matter of right is to be done away with. The only renewal, as will be seen from Section 14 passed to-day, is the renewal at the time of the next general Settlement. At that time if there is no variation it shall be valid.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*) : Is it not open to the parties to renew them ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): No. There is no cast of a renewal hereafter ; and in fact Section 40 parts (a) to (n), says that the jenmikaram register shall be prepared and that the Sirkar shall realise these amounts from the kudiyan in a particular manner recognised by Government. So it is not proper to say that the parties shall be permitted to renew. Moreover the definitions of renewal, commuted cess, jenmikaram and settlement pattamicham, make it clear that hereafter there shall be no renewal. If no jenmi shall have any rights, why should we make provision for a renewal. We want to do away with the existing kanapattom and settle them permanently on a fixed basis. It is with that object that all these amendmends are now proposed ; and after undertaking all these difficulties and troubles if we make provision for renewal it would be another channel that the Legislature itself would be opening for the purpose of allowing these kanapattoms to drift themselves away from the purview of this Regulation. Therefore, there will be no renewal of kanapattom. So far as kanapattoms are concerned, let us deal only with kanapattoms that are to come into existence hereafter.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Karthikapalli*) : Have we prohibited the renewal of kanapattoms ?

MR. S. KRILHNA PILLAI (*Karunagapalli*) ; No. No kudiyan shall be compelled to renew it. It shall not be obligatory. Section 13 says:—

"It shall not be obligatory on the jenmi to renew or on the kudiyan to accept the renewal of a contract of kanapattom."

MR. A. S. DAMODARAN ASAN (*Marelikara cum Kartikapalli*) : Suppose by mutual agreement they do it ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : We will be allowing it by operation of Section 15. If we are going to do that, I suppose there would be no meaning in accepting the previous Sections, because there we have laid down how michavaram shall be borne, how enhancement shall be allowed.

MR. A. S. DAMODARAN ASAN (*Marelikara cum Kartikapalli*) : In fact we have not prohibited the renewal of kanapattom documents. Is it not better to say that when these are renewed, these particulars also must be specified ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : We know, as a matter of fact that kanapattom documents will not be renewed ; and so why should we give an additional impetus for the law-breakers to veer round and deprive this Bill of its legitimate dues. We say we shall hereafter abolish the renewal fees, the right of the jenmi to enhance michavaram, the value of the trees and ever so many rights which the jenmis had.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : By the deletion of these words will we be able to achieve it?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : If the parties agree to come to a mutual agreement ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Section 15 deals with kanapattom contracts which come into existence hereafter and describes the procedure to be adopted with respect to them. If that is so, my belief is that no renewals would come into existence. If it is not obligatory on the part of a jenmi to renew and if the kudiyan is not liable to accept, I do not suppose that any person will come forward with a renewal ; and if that is so there is no necessity for retaining the words " or renewed ". My object in sending this amendment is to do away with the renewal wherever it occurs in the Regulation in order that the Regulation may be clear and unequivocal. Section 13 may probably lend support to the contention that is now put forward. But the words " or renewed " standing in Section 15 will lend additional support. I do not therefore think that it will be proper to retain the expression.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*) : From that does it follow that, in the contracts actually renewed, the particulars need not be given ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : My own opinion is that this amendment need not be recognised in renewals at all. When we said that it shall not be obligatory on the part of the jenmi to renew and on the part of the kudiyan to accept, and when we have in the first 12 Sections stated whatever be the jenmis' rights and the kudiyans' right that exist on the date on which the Regulation comes into force.

we have thereby declared our intention in regard to the now existing kanapattom documents—the rights shall be specified and unalterable except under Section 14. If that is so with regard to the kanapattom documents that exist on the date on which this Regulation comes into force my firm opinion is that it is improper to make provisions in the Regulation for renewals of documents that are in existence on the date on which this Regulation comes into force; and even in regard to kanapattoms that come into existence it is not proper to expect renewals to be made.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Will the object of the member be achieved by the deletion of these words?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I think that it is these words in the Regulation which lead to all these complications.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Having allowed Section 13 to stand, will the object of the member be served?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Beyond Section 13 it is highly necessary that this amendment should be made.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it not possible to make renewal under Section 13?

MR. S. KRISHNA PILLAI (*Karunagapalli*): The law need not recognise it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will the demand be sufficient for that?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sanction for renewal, I think, has already been granted under Section 13.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not think so, if it is not obligatory on any person. I suppose we have hitherto been fighting against renewals. That has been the main object we have been attempting to break down and if after doing that we say that parties shall veer round and come into agreement with reference to these kanapattom documents, I suppose it would not be proper. Anyhow, whatever may be the interpretation that is put on Section 13 it is highly necessary that the words "or renewed" existing in Section 15 should be deleted.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether it is not possible that even before the Register of jenmikarams contemplated is prepared by the Government, a jenmi and a kudiyan may think it advisable to execute a document settling differences in regard to the extent of the properties and other matters which do not affect the jenmikaram?

MR. S. KRISHNA PILLAI (*Karunagapalli*): But they shall not cheat the Legislature of its legitimate dues. Let them come to some

[Mr. S. Krishna Pillai.]

amicable settlement with regard to the amount of jenmikaram that is due from the kudiyan to the jenmi. That will not in any way make it a renewal. Why should there be a renewal at all?

MR. A. THANU PILLAI (*Trivandrum*): They may not be able to adjust among themselves the amount of jenmikaram after this Bill becomes law. Section 14 reads thus:—

> "Notwithstanding any usage or contract to the contrary, the jenmikaram of any land shall not be liable to alteration or revision at any time except after any future general Land Revenue Settlement by Our Government".

When it is the Government that are going to prepare the register of jenmikaram, I think the use of the words 'or renewed' is rather loose and it means merely a document whereby the jenmi and the kudiyan may settle differences that do not affect the jenmikaram. Now, in that view, is there any harm in retaining the words 'or renewed'?

MR. P. S. MAHOMED (*Nominated*): I second the amendment.

മി. കൃഷ്ണപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാനും അനുകൂലിക്കുന്നു. പാട്ടം കൂട്ടുക എന്നുള്ളതു് ഈ റഗുലേഷൻ പാസായശേഷം പാടില്ലെ എന്നുള്ള ഉദ്ദേശത്തിലാണു നാം ഈ നിയമം പാസാക്കുന്നതു്. മേലാൽ കുടിയാന്മാൎക്കു ഉപദ്രവം ഉണ്ടാകരുതെന്നു കുടിയാന്മാരും, കുടിയാന്മാരെ ഉപദ്രവിക്കണ്ടേ എന്നു ജന്മിമാരും വിചാരിക്കുന്ന സ്ഥിതിക്കു പുതുക്കുക എന്നുള്ള ഒരു വകുപ്പു് ഇവിടെവച്ചുകൊണ്ടിരിക്കേണ്ട ആവശ്യമില്ല. അതിനാൽ ഞാൻ മി. കൃഷ്ണപിള്ളയുടെ ഭേദഗതിയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to oppose this amendment. A previous clause passed by this House namely the proposed Section 13 indicates impliedly that it is permissible for the purpose of the Jenmi or the Kudiyan to execute a renewal of the kanapattom. Section 13 which has often been quoted here reads thus:—

> "Notwithstanding any usage or contract to the contrary, it shall not be *obligatory*—"

'Shall not be *obligatory*' does not mean that it is illegal or improbable. All that it says is that it shall not be obligatory on the Jenmi to renew, or on the Kudiyan to accept the renewal of, a contract of kanapattom. It follows that it is permissible to execute a renewal deed if it is agreed to by both the parties. It is only right then that the legislature should lay down what the particulars are that such deeds should contain. Mr. Krishna Pillai expressly or impliedly says that the legal provision as to the contents of the deed may remain as it is in cases where a new kanapattom is granted or made after the commencement of this Regulation but such a provision should not exist when a contract of kanapattom is renewed. So long as the

legislature is contemplating a renewal of kanapattom, it is only necessary that the legislature should provide also as to what particulars are that it should contain.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the Regulation contemplate the renewal of kanapattom deeds after the completion of the jenmikaram register?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under the Regulation it is open to the parties to renew it. The Regulation does not prohibit the renewal.

MR. A. THANU PILLAI (*Trivandrum*): What will be the effect of such a renewal in view of Section 14?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That Section does not say that renewal is prohibited. So far I am able to read it, it is not stated that a person who renews should be punished or that a renewal thus made is void.

MR. A. THANU PILLAI (*Trivandrum*): I wish to point out that Section 14 lays down that the jenmikaram shall not be liable to any alteration. In view of that provision may I know what will be the effect of the renewal?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Renewal does not mean enhancement.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will it not be void?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Renewal is not equivalent to enhancement.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the Law Member mean that only those cases in which enhancement is agreed to will be excepted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That does not arise now.

MR. A. THANU PILLAI (*Trivandrum*): What Section 14 provides is that not merely michavaram should not be enhanced but that jenmikaram should not be liable to enhancement. So I want to know from the member what his opinion is as to the effect of the renewal in view of Section 13.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The effect of the renewal deed is what follows from what it contains. What I want to say is that if it is clear to the members that a renewal is not prohibited, it is only fair that the legislature should lay down what particulars the renewal document should contain. The provision referred to by the members does not lay down that a renewal document shall not be executed. My object is only this. In case a renewal of kanapattom is entered into, what are the particulars that that document should contain. A renewal document is not a mere imaginary thing. That it is permissible is seen from Section 13 that the House has already passed. Is it not fair then, that the legislature should provide what that document shall contain. It does not lay down that a renewal document should be executed nor does it say that it shall not be accepted, or that it is prohibited.

[Mr. Kayalam Paramesvaran Pillai.]

I think, therefore, Sir, that this provision is only a fair provision in view of Section 13 which has already been passed by this House.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I have not been able to fully appreciate the learned Law Member's opinion about this matter. As I have read the Bill and understood it I am of opinion that, under the provisions of this Regulation, it cannot be said that any person has got the right for renewal. In matters of contract we are to be guided and controlled by the general provisions in relation to contract.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Under Section 14 can the member contemplate any renewal at all after the preparation of the jenmikaram register?

MR. S. KRISHNA PILLAI (*Karunagapalli*): It is not at all possible. I am coming to that.

In matters relating to any transaction between one man and another we have got the general law of contract and unless that prohibits a party from entering into a contract it is open to him, to do it. For that purpose we do not want any provision in an enactment of this kind. The old Jenmi-Kudiyan Regulation has declared certain rights so far as the Jenmis are concerned and certain other rights so far as the kudiyans are concerned. In the new Amendment Regulation we have attempted to still further define and fix these rights. And it is only in regard to the rights and liabilities that we want to make any special provision in the Regulation. We find that in Section 3 (*a*) the words "periodical renewal of the right" occurring in clause (1) has been omitted. That is, in the definition that is to find a place in the new Regulation we have omitted the words "the periodical renewal of the right." This expression has been omitted not inadvertantly but with a specific and set purpose and that purpose is that, after this Amendment Regulation comes into force, the right for renewal as such ceases to exist. If that is so, I do not understand why we should knowingly recognise the possibility or make any provision for any renewal in the Bill that is now before us.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it not permissible?

MR. S. KRISHNA PILLAI (*Karunagapalli*): It is not contemplated and my own impression is that it is not permissible at all.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): *If* it is permissible, is it the member's opinion that no provision whatever should be made in the Regulation as to the contents of such renewal deeds?

MR. S. KRISHNA PILLAI (*Karunagapalli*): The word "renewal" has its accepted and wellknown meanings, so far as it relates to the relationship between Jenmis and Kudiyans. In that sense I am of opinion that there shall be no renewal under the provisions of the new Regulation hereafter. When that has been done away with, it is improper to allow that expression to find a place permanently in Section 15.

In every other place the word 'renewal' has been done away with. Even with regard to the expression 'renewal fees' we have brought it under 'fractional fee.' There will be a hundred and one contracts and it is not for us to make any provision for them all. If the contract is illegal, it will not be recognised by a court of law; and if it is a legal contract, the parties must be left to themselves and we are not going to provide for every possible case of a contract to be entered into by one man with another. The law says that the Jenmi shall not be compelled to renew and the Kudiyan shall not be compelled to accept a renewal and it also says that in regard to michavaram and commuted cess, which shall be fixed invariably, no party is entitled either to enhance it or to reduce it unless it be at the time of the next settlement. When we have stated that specifically and clearly in Section 14, it does not appear to me why we should have this tell-tale expression in Section 15. After hearing the Law Member I am beginning to get a little more alarmed. We do not want any renewal hereafter and no Jenmi shall be in a position to veer round and catch hold of innocent Kudiyans and make them enter into any renewals. If we read the old Regulation and the commentaries thereon and the various reports submitted in regard to the relationship between the Jenmis and the Kudiyans we always find that the innocent and unsuspecting kudiyans have always been induced to enter into fresh contracts of Kanapattom with Jenmis. Under these contracts the rate of interest has been reduced, michavaram has been enhanced, the customary dues have been enhanced and various rights which never existed and which never were contemplated at the time the original contract was entered into came to form parts of the customary rights of the Jenmies. That has been the complaint that we were having. And the main principle contained in the Bill is to do away with renewals and, after we have done that, my submission is that we do not want any renewals hereafter. At any rate, we do not want to give permanent expression to the existence of any renewal at all under the new Bill and it will also be contrary to the several provisions in the Regulation. Sir, I therefore press my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Let us not confuse the issue. I have been at some pains to explain that a renewal is not illegal or void under the provisions of the Regulation. It follows therefore that a renewal is possible under the new Regulation and it is not a question of trapping or catching hold of the Kudiyan by the Jenmi. If a renewal deed is possible hereafter, the only question that arises here for consideration is whether it is right for the House to lay down what particulars the renewal deed should contain. If the House is of opinion that the renewal deeds may contain those particulars which the new kanapattom deeds to be entered into after this amendment Bill comes into force may contain, then the House will have to vote down Mr. Krishna Pillai's amendment.

MR. A. THANU PILLAI (*Trivandrum*) : May I know from the Law Member whether in his view the deed can be renewed in regard to the material terms of the kanapattom?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); That is possible under the provisions of the Regulation.

MR. A. NARAYANA PILLAI (*Vaikam*): പൊളിച്ചെഴുത്തുകൊണ്ടു ജന്മിക്കൊ കുടിയാനൊ ഗുണം കിട്ടുന്നുണ്ടൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additionl Head Sirkar Vakil*) : That does not arise. It is possible under the provisions of the present Regulation to have the renewal.

MR. A. NARAYANA PILLAI ((*Vaikam*): ഇരുകക്ഷികൾക്കും ഗുണവും ദോഷവും ഇതുകൊണ്ടു ഇല്ലാത്തസ്ഥിതിക്കു ഈ റഗുലേഷനിൽ പൊളിച്ചെഴുത്തിനെപ്പററി പറയേണ്ട ആവശ്യമുണ്ടൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Why should the House oppose it after having passed it? I am sure the House is right in accepting my proposal. The House has already passed Section 13. It is not *obligatory* under the Section for the Jenmi to be compelled to renew or for the Kudiyan to be compelled to accept the renewal. That is all. The renewal deed is not prohibited. That means impliedly that it is possible and it is permissible. The House passed that provision and so long as that provision stands a renewal deed is permissible.

MR. A. THANU PILLAI (*Trivandrum*) : May I know from the Law Member whether that clause was passed before it was resolved that the collection of jenmikaram should be undertaken by Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, Sir. A reference to the proceedings will settle the doubt of the member.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*) : Is it the opinion of the Law Member that in case the terms under the renewal deed are against the provisions in Section 14, it should not be allowed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The question is what are the particulars the renewal deed should contain. If the House wants to have no provision in regard to the particulars, then let them vote for the amendment of Mr. Krishna Pillai. The only question is whether we should not make a provision as to the contents of the deed.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Do we contemplate any such cases of renewal?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have already said that it is permissible.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What will be the object with which a renewal would be made?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is to go back. I can only ask Mr. Krishna Pillai to look back into his own mind and search for the reasons that prompted him at the time we passed Section 13. Sir, the fact is there that a renewal

deed is permissible. It is for the House, if it thinks that it is only fair that there should be provision as to the contents of the renewal, to vote down Mr. Krishna Pillai's amendment. But if it thinks that it is quite unreasonable to put in a legislative provision as to contents of renewals, then let it vote for Mr. Krishna Pillai's amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): If it gives room for misapprehensions, is it not better to delete the words 'or renewed'.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that in such cases it will be a kanapattom document brought into existence after the Regulation comes into force?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I have to say that the members are trying to confuse the issue. We are not saying that renewals shall or shall not be executed. If the House does not want any provision to be made regarding the *contents* of the renewal deed then let it vote for Mr. Krishna Pillai's amendment, that is the only question.

The amendment was put and declared lost, 8 voting for and 20 against.'

The House rose for lunch at 1-50 P. M. and re-assembled at 2·52 P. M. with the Deputy President in the Chair.

Clause VI, was put and carried. The Clause was added to the Bill.

The following amendments were not moved:

Clause VI A.

MR. S. KRISHNA PILLAI: Section 15 (of the existing Regulation) sub-section (2), clause (b).
Delete.

MR. S. KRISHNA PILLAI: Section 15, sub-section (2), clause (*a*)
Delete this clause of the Regulation as amended by the Bill and substitute the following:
"The Jenmikaram shall always be fixed in money"

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I beg to move the following amendment:—

"Section 15 (of the existing Regulation) Sub-section (2) Clause (*a*) line 1:

Substitute "*is*" for "*are*" and for this purpose add the following to clause VI A.

"and for the word "*are*", substitute the word "*is*".

DEPUTY PRESIDENT: Does it not relate to something that does not form part of the amending Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is only a grammatical correction. He wants to correct the word "*are*" into "*is*". That arises as a *necessary* consequence of the amendment in the clause.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞാൻ ഒരു ഭേദഗതി ഇവിടെ ഹാജരാക്കിയപ്പോൾ ഓരോ ക്ലാസ്സും പ്രത്യേകം പ്രത്യേകം കൊണ്ടുവരണമെന്നു ഇവിടെ പ്രസ്താവിക്കുകയുണ്ടായി. ആ അവകാശത്തെ വിട്ടുകളയാൻ പാടില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : It is only a grammatical alteration. The Section as it stood in the original Regulation, Regulation V of 1071, reads. "*If the michavaram or other dues are made payable in kind*". According to the amending Regulation it has been amended into "*If the jenmikaram, or any portion thereof, are made payable in kind*".

According to the original Regulation, there was a plural noun preceding the word "*are*" but in the amending Regulation no plural noun precedes "*are*". Therefore it is necessary to change the plural predicate into singular "*is*".

DEPUTY PRESIDENT: In the printed copy it is "*is*".

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : This is a mistake. It was an unauthorised change. My object in bringing this amendment is, to bring this point to the notice of the Law Member. If he accepts it, I need not move it as an amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As a necessary consequence to the amendment in the clause I accept it. But it has to be formally put to the House.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartigapalli*) : I second the motion.

The amendment was put and carried.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todpuzha*) : I beg to move the following amendment :

"Section 15; (of the existing Regulation), sub-section (2), clause (*a*) line 4 :

Omit the words "*or which may be agreed upon between the parties*".

By means of this amendment, I wish to move that the *Parah* which the parties could fix by agreement should not be recognised by Government. The Regulation, as it stands, reads as follows :—

"If the jenmikaram or any portion thereof is made payable in kind, it shall be specified according to the standard measure or Parah prescribed by Our Government or which may be agreed upon between the parties."

Here in addition to the standard *Parah* prescribed, it also recognises some other *Parah* which may be agreed upon between the parties while we have got in our Statute Book a Regulation called the the Weights and Measures Regulation specifying the kinds of measurements to be used throughout the State. It is not necessary to have a

different *Parah* which may be agreed upon between the parties. In transactions between the Jeanmies and Kudiyans the use of a *Parah* itself is a sufficient nuisance and to say that some *Parah* agreed upon by the parties may be used, would only create further trouble as even the method of using the *Parah* would vary the contents of it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to a point of order. The amendment does not really relate to the clause under debate. It really traverses beyond the scope of the amendment introduced by the Bill

DEPUTY PRESIDENT : What do you say to that, Mr. Abraham?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : It is a point of order for the Chair to rule. I shall abide by the ruling of the Chair.

DEPUTY PRESIDENT : Have you anything to say against on the point of order?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I consider that it comes under the Regulation. But the other amendment was allowed. This also comes under the same category.

DEPUTY PRESIDENT : That was only a grammatical correction which was consequential upon the amendments already carried. This is an amendment which does not pertain to the Bill that has now been brought forward before the House. I think, there are precedents to show that the amendments must be confined to the Bill as brought before the Council. I think, I have to rule it out.

The following amendments were similarly ruled out.

MR. A. NARAYANA PILLAI : Section 15, sub-section (2), clause (*a*) :

Substitute the following for the existing clause:

"If the jenmikaram or any portion thereof is made payable in kind, it shall be commuted into money and specified in the deed accordingly".

MR. A. NARAYANA PILLAI : Section 15, sub-section (2), clause (*b*) :

Delete.

The question that Clause VI (A) do form part of the Bill was then put and carried and the clause was added to the Bill.

Clause VII.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ൫൩ മുതൽ ൫൮ വരെയുള്ള വകുപ്പുകളും ജന്മിമാർക്ക് നേരിട്ടു കരം പിരിക്കാമെന്നുള്ളതിനെപ്പററിയാണ്. കരംപിരിവു ഭാരം ഗവൺമെൻറു കയ്യേൽക്കുന്ന സ്ഥിതിക്കു ജന്മിക്കു നേരിട്ടു പിരിക്കാമെന്നുള്ള വകുപ്പിന്റെ ആവശ്യ-

[Mr. C. N. Tuppan namputiripad.]

മില്ല. അതുകൊണ്ട് ആ വകുപ്പ് എടുത്തുകളയണമെന്നാണ് എന്റെ ഭേദഗതി. ജന്മിമാരുടെ കരംപിരിവ് ഇനിമേൽ ഗവണ്മെന്റ ഏറ്റെടുക്കുന്നതു നിയമാൻസൃതമായിരിക്കുന്നതാണ്. അതു സംസ്ഥാനം ഒട്ടുക്കുള്ള എല്ലാ ജന്മവസ്തുക്കളേയും സംബന്ധിച്ചു ഒന്നായൊ ഏതെങ്കിലും പ്രദേശത്തിൽ ഇപ്രകാരമുള്ള വസ്തുക്കളെ സംബന്ധിച്ചൊ ഗവണ്മെന്റ നിശ്ചയിക്കുന്നതുപോലെ മററു സൌകര്യങ്ങളായ സ്ഥലങ്ങളിലൊ ആകാവുന്നതാണ്. അതാണ് ലാമെമ്പറിന്റെ ഭേദഗതി. അതു കൊണ്ടു അതിനെ പരിഹരിക്കാൻവേണ്ടി ജന്മിഭാഗത്തുനിന്നും ഒരു അമൻറുമെൻറ് അയച്ചിട്ടുണ്ട്. ഗവണ്മെന്റ നിശ്ചയിക്കുന്ന ഏതെങ്കിലും പകുതിയിൽ സെററിൽമെൻറ് ആഫീസർ പോയി രജിസ്റ്റർ തയ്യാറാക്കിയാൽ ഉടനെ പിരിവുഭാരം ഗവണ്മെൻറിനു ഏല്ക്കാവുന്നതാണ്. എന്നാൽ അതിലേക്ക് ഒരു കാലം നിർണ്ണയിച്ചുകാണുന്നില്ല. മുമ്പു നടന്ന കണ്ടെഴുത്തു വളരെക്കാലം ദീർഘിക്കേണ്ടിവന്നു. അത് എളുപ്പം തീക്കണമെന്നു ഒരു ദിവാൻജി നിർബന്ധിച്ചപ്പോൾ വളരെ വേഗം കണ്ടെഴുത്തു തീത്തിട്ടുണ്ട്. അതുപോലെ ഇന്ന സമയത്തിനകമെന്ന ഒരു വ്യവസ്ഥചെയ്തില്ലെങ്കിൽ ഈ സെററിൽമെൻറ അനേകം കാലം കിടക്കേണ്ടിവരും. അങ്ങനെ വരരുതെന്നുദ്ദേശിച്ചാണ് ജന്മിഭാഗത്തുനിന്നും അമൻറുമെൻറ് അയച്ചിട്ടുള്ളതു്. അതിനാൽ കരംപിരിവുഭാരം ഗവണ്മെൻറ കയ്യേല്ക്കുന്ന തീയതിവരെ ൧൦൯൬-ാംറഗുലേഷൻ അനുസരിച്ചുള്ള നടപടികൾ നടത്തുന്നതിനും പിരിവു നടത്തുന്നതിനും ഉള്ള അവകാശം ജന്മിക്കു വേണം. ഈ അമൻറുമെൻറുകൊണ്ടു വല്ല ഫലവും കിട്ടുമൊ എന്നു നോക്കിയാൽ നിശ്ചയമായിട്ടും ഗുണമുണ്ടാകുന്നതാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): ഈ സെററിൽമെൻറ് തീരുന്നതുവരെയുള്ള കരം പിരിക്കണ്ടേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): പിരിക്കണം.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): അതിലേക്കുള്ള വ്യവസ്ഥ എവിടെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അതിലേക്ക് ഒരു അമൻറുമെൻറ കൊണ്ടുവരണമെന്നു വിചാരിക്കുന്നുണ്ട്. ഇപ്പോൾ ഇരിക്കുന്ന അമൻറുമെൻറ ൧൦൯൬-ലെ ൪-ാം റഗുലേഷൻ അനുസരിച്ചു പിരിക്കണമെന്നാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): അതിനെ എടുത്തുകളഞ്ഞാൽ പിരിവിനെ സംബന്ധിച്ചുള്ള വ്യവസ്ഥ ഇല്ലാതാകുകയില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ആ ഭാഗം എടുത്തുകളഞ്ഞിട്ട അതിനെ നിയമപ്രകാരമാക്കണം.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഏതു നിയമപ്രകാരമാണ പിരിക്കേണ്ടതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൧൦൭൧-ലെ ൫-ാം റഗുലേഷൻ അനുസരിച്ചുവേണം. അതിനെ സ്ഥിരപ്പെടുത്തണമെങ്കിൽ ഈ സെററിൽമെൻറ എത്രയും വേഗത്തിൽ തീക്കണം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അതു വിചാരിച്ചിരിക്കുന്നതുപോലെ എളുപ്പത്തിൽ തീരുന്നതാണൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൧൦൭൧-ലെ ൫-ാം റഗുലേഷൻ ജന്മിക്കും കുടിയാനും സങ്കടമാണെന്നു അന്നു പറഞ്ഞു. ജന്മിമാത്രമാണ അതിനെപ്പററി പറഞ്ഞു എങ്കിൽ അതു മാററി കിട്ടുകയില്ല. ജന്മിയും കുടിയാനും യോജിച്ചു മാററണമെന്നു പറഞ്ഞപ്പോൾ അതിനു ശക്തിവന്നു. അതിനാൽ ൧൦൭൧-ലെ ൫-ാം റഗുലേഷൻ അനുസരിച്ചു ഇനിയും നടപടി നടത്താമെന്നു നിയമം വരുമ്പോൾ ഈ സെററിൽമെൻറ എത്രയും വേഗത്തിൽ തീരുന്നതാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ൧൦൭൧-ലെ റഗുലേഷൻ അനുസരിച്ചുള്ള നടപടിക്കും ഈ ബില്ലിനും എന്തു വ്യത്യാസമാണുള്ളതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൧൦൭൧-ലെ റഗുലേഷൻ അനുസരിച്ചു ജന്മിമാക്കു് നേരിട്ടു കരം പിരിക്കുവാനുള്ള അവകാശം കൂടുതലായി ഉണ്ടു. ഈ ബില്ലിൽ അതില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): പിരിച്ചെടുക്കുന്ന സംഗതിയെ സംബന്ധിച്ചുമാത്രമാണൊ ൧൦൭൧-ലെ റഗുലേഷൻ വേണമെന്നു പറയുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ൧൦൭൧-ലെ റഗുലേഷൻ അനുസരിച്ചു കരം പിരിക്കുന്നതിനും ഈ ഭേദഗതിയനുസരിച്ചു പിരിക്കുന്നതിനും ഉള്ള വ്യത്യാസം എന്താണ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൧൦൭൧-ലെ റഗുലേഷൻ അനുസരിച്ചു കരം കൂടുതൽ കിട്ടുന്നുണ്ടു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ൧൦൭൧-ലെ റെഗുലേഷൻ അനുസരിച്ചു പിരിക്കുന്നതിനുള്ള ഏതെങ്കിലും അധികാരത്തെ ഇതിൽ കുറച്ചിട്ടുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ചില കസ്റ്റമറി വ്യൂസുകൾ പ്രകാരമായി ജന്മിക്കരത്തിൽ കൂട്ടിയിട്ടില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞങ്ങൾക്കു കിട്ടേണ്ട സംഖ്യ കുറഞ്ഞിട്ടുണ്ടു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഏതു സംഖ്യയിലാണു കുറച്ചിട്ടുള്ളതെന്നു് മെമ്പർ ഈ സഭയിൽ പറയണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): പൊളിച്ചെഴുത്തവകാശത്തെ എടുത്തുകളഞ്ഞതുകൊണ്ടു് ആ ഇനത്തിൽ കിട്ടേണ്ട സംഖ്യ കുറഞ്ഞിട്ടുണ്ടു.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അതു് ആണ്ടുതോറും കൂടിവരികയല്ലേ ചെയ്യുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൧൦൭൧-ലെ ൫-ാം റെഗുലേഷൻ അനുസരിച്ചു ഈടായില്ലെങ്കിൽ അതിനു വേറെ മാറ്റം ഉണ്ടാക്കേണ്ടതാണു്. ഈ സെററിൽമെൻറു് എളുപ്പത്തിൽ തീരാൻ വേണ്ടി മാത്രമാണു് ഈ വകുപ്പു എടുത്തുകളയണമെന്നു പറയുന്നതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): മിച്ചവാരവും ജന്മിക്കരവും കൊടുക്കുന്നതിനെ സംബന്ധിച്ചു വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതിനെ ഭേദപ്പെടുത്തണമെന്നു വിചാരിച്ചാണൊ ഈ ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ. ൨൬ മുതൽ ൭൪ വരെയുള്ള വകുപ്പുകൾ ജന്മിമാക്കു് പിരിക്കുന്നതിനു അവകാശം കൊടുക്കുന്നതാണു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ൧൦൭൧-ലെ റെഗുലേഷൻ അനുസരിച്ചുള്ള അവകാശം വേണമെന്നൊ, വേണ്ടെന്നൊ അഭിപ്രായപ്പെടുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിമാക്കു കരം പിരിക്കാനുള്ള അവകാശം വേണ്ടാ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതനുസരിച്ച സെററിൽമെൻറ് തയ്യാറാക്കുന്നതുവരെ ജന്മിക്ക യാതൊന്നും വേണ്ടെന്നാണൊ പറയുന്നത്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതു വേണം. കൊടുക്കുന്നവർ കൊടുക്കട്ടെ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കിട്ടിയില്ലെങ്കിൽ സങ്കടമില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇത്രകാലംവരെ മാത്രമെ സങ്കടമുണ്ടാകുകയുള്ളു എന്നില്ലെ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതിനാൽ ഈ വകുപ്പു എടുത്തുകളഞ്ഞാൽ മതിയൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മതിയാകുമെന്നാണ് എൻെറ ഉദ്ദേശം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ജന്മിമാക്കു കരം ഈടാക്കുവാനുള്ള സൌകര്യമില്ലെങ്കിൽ കഴിയുന്നിടത്തോളം കുടിയാന്മാർ കരംകൊടുക്കാതെ താമസിപ്പിക്കുകയില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങിനെ വരുമെന്നു തോന്നുന്നില്ല. അങ്ങിനെ വരാൻ പാടില്ല എന്നുമില്ല. സെററിൽമെൻറ് എളുപ്പം തീരണമെന്നാണ് എൻെറ ഉദ്ദേശം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikaplli*): സെററിൽമെൻറു തീരുന്നതുവരെ ജന്മിമാക്കു കൊടുക്കേണ്ട കരം കൊടുക്കേണ്ട എന്നല്ലെ കുടിയാന്മാർ വിചാരിക്കുകയുള്ളു?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സൌകര്യമുള്ളവർ കൊടുക്കും. തീരാത്ത സംഖ്യ കുടിശ്ശികയായി പിന്നീടു വാങ്ങിക്കാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കരം കുടിശ്ശിക കിടന്നാൽ സാധുക്കളായ ജന്മിമാർ കഷ്ടപ്പെട്ടുപോകുമെന്നു പറഞ്ഞില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സെററിൽമെൻറു തീരുന്നതിനു ഇതു തടസ്സമായിരിക്കുന്നതാണു.

MR K. P. NILAKANTA PILLAI (*Chirayinkil*): ഇതു് ഇല്ലാതിരുന്നാൽ തടസ്സം ഉണ്ടാകുകയില്ലെ?

MR C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇതിനെപ്പററിയുള്ള ഞങ്ങളുടെ ഉദ്ദേശത്തെ ഇവിടെ പറഞ്ഞുകഴിഞ്ഞു.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഈ ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. പുതിയ റഗുലേഷൻ അനുസരിച്ചു ജന്മിക്കരം കണക്കാക്കുന്ന അവസരത്തിൽ ജന്മിയും കുടിയാനും തമ്മിൽ അഭിപ്രായവ്യത്യാസം ഉണ്ടാകുന്നതിനും പിരിവു മോശമാകുന്നതിനും ഇടയാകും. ഗവൺമെൻറ് ഒരു കണക്കു നിശ്ചയിച്ച് അതനുസരിച്ച് പിരിവു തുടങ്ങുന്നതായാൽ ജന്മിമാർക്കു കിട്ടേണ്ടതു കിട്ടുന്നതാണ്. ജന്മിക്കരം തീർച്ചയാക്കുന്നതിനു രണ്ടും മൂന്നും കൊല്ലം താമസിക്കുന്നതു് വലിയനഷ്ടമാണ്. അതുകൊണ്ടാണ് ൧൦൯൧-ലെ റഗുലേഷൻ അനുസരിച്ചു ജന്മിമാർക്ക് പിരിക്കുന്നതിനു അധികാരം ഉണ്ടായിരിക്കണമെന്നു പറയുന്നതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): അതുകൊണ്ടുള്ള ഗുണമെന്താണ്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): പൊളിച്ചെഴുതാം. പാട്ടത്തിൽ കൂട്ടാം. ഇതൊക്കെയാണ് അതുകൊണ്ടുള്ള ഗുണങ്ങൾ.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അതൊന്നും പാടില്ലാ എന്ന് ഇവിടെ നിശ്ചയിച്ചുകഴിഞ്ഞതല്ലേ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): കഴിയുന്നതും വേഗത്തിൽ ഈ ബില്ല് നടപ്പാക്കുന്നതിന് ഒരു പ്രേരകശക്തി ഉണ്ടാകുന്നതിനാണ് ൧൦൯൧-ലെ ൭-ാം റഗുലേഷൻ അനുസരിച്ചു നടപടി നടത്തുന്നതിനു അധികാരംവേണമെന്ന് ഇവിടെ പ്രസ്താവിക്കുന്നതു്. അതു് നടപ്പിലിരിക്കുകയാണെങ്കിൽ ജന്മിക്കും കുടിയാനും തമ്മിൽ അവരുടെ ഇടപാടുകൾ നടത്താം. പുതിയ യാതൊരു വ്യവസ്ഥയുംവേണ്ട.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): സെറ്റിൽമെൻറ് രജിസ്റ്റർ ഉണ്ടാകുന്നതുവരെ ജന്മിമാർക്ക് നിരാഹാരവ്രതം ആകാമെന്നാണൊ വിചാരിക്കുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): മനുഷ്യാതീതങ്ങളായ കാര്യങ്ങളെ ജന്മിമാർ ആശിക്കുന്നു എന്ന് വിചാരിക്കുന്നതു് ഭോഷത്വമാണ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, May I speak in Malayalam?

DEPUTY PRESIDENT: Yes, if you think it would be better.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ ഈ അമെൻറുമെൻറിനെ എതിർക്കുന്നു. അതിൻെറ പ്രധാനകാരണം ഈ അമെൻറ്മെൻറു പാസായിപ്പോകുമെങ്കിൽ ഇപ്പോഴിരി

ക്കുന്ന റെഗുലേഷൻ തന്നെ ഉജ്ഝിതത്തിലിരിക്കുമെന്നുള്ളതാണ്. ജന്മി മെമ്പർ ഇവിടെ പറയുന്ന കാര്യങ്ങളൊന്നും ഈ അമൻറ്മെൻറുകൊണ്ട് സാധിക്കുകയില്ല. വിശേഷിച്ചും ഈ ഭേദഗതി ഈ ഭാഗത്ത് യോജിച്ചതല്ല. ഗവണ്മെൻറിൽ നിന്നും ജന്മിക്കരം പിരിച്ചുകൊടുക്കാമെന്ന് ഏററിട്ടുണ്ട്. അങ്ങനെ വേണ്ടെന്നാണ് ഈ അമൻറുമെൻറ് കൊണ്ടു നിർദ്ദേശിക്കുന്നത്. അതിലേക്കു പ്രത്യേകം അമൻറുമെൻറു കൊണ്ടുവരണം. അങ്ങിനെ ഒരു അമൻറ്മെൻറു കൊണ്ടുവരുവാൻ മി. തുപ്പൻനമ്പൂതിരിപ്പാട്ടു ഉദ്ദേശിക്കുന്നുഎങ്കിൽ അങ്ങനെ ചെയ്യാവുന്നതാണ്. അതിനു ആവശ്യമുള്ള സമയമില്ലെന്നു പറഞ്ഞു ഞാൻ അമൻറ്മെൻറിനെ ആക്ഷേപിക്കുകയില്ല. ആ അമൻറുമെൻറ് അവതരിപ്പിക്കേണ്ട സ്ഥാനത്തു അവതരിപ്പിക്കണമെന്നേയുള്ളു.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ഗവണ്മെൻറിനു അതിൽ എന്താണ് തക്കമുള്ളതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെ ഒരു അമൻറ്മെൻറ് വരുമ്പോൾമാത്രമെ അതിനെപ്പററിപ്പറയാൻ സാധിക്കുകയുള്ളു. ഇപ്പോൾ പറയാൻ സാധിക്കുകയില്ല. ഈ അമൻറുമെൻറു കൊണ്ടു മിസ്റ്റർ തുപ്പൻനമ്പൂതിരിപ്പാട്ട് ഉദ്ദേശിച്ചകാര്യം സാധിച്ചില്ലെന്നുമാത്രമല്ല കുടിയാന്മാരിൽനിന്നും കരം പിരിച്ചെടുക്കാൻ ജന്മിമാൎക്ക് സാധിക്കാതെവരും. ഗവണ്മെൻറ് ഈ ജന്മിക്കരം പിരിച്ചു തുടങ്ങുന്നതിന് ഒരു ആറുമാസംവേണ്ടിവരും എന്നുവയ്ക്കുക. ഈ ആറുമാസത്തിനകത്തുള്ള കരംപിരിക്കുന്നതെങ്ങിനെ. കുടിയാന്മാർ കൊടുക്കുന്നെങ്കിൽ മാത്രമെ ജന്മിമാൎക്ക് കരം കിട്ടുകയുള്ളു. കൊടുത്തില്ലെങ്കിൽ കുടിയാൻെറ പേൎക്ക് വ്യവഹാരപ്പെടാൻ ഈ അമൻറുമെൻറ് പാസാകുന്നു എങ്കിൽ ജന്മിക്ക് അവകാശമില്ലാതെ വരുന്നു. ജന്മിക്കരം ഇത്രയാണെന്ന് ഗവണ്മെൻറിൽനിന്നും തീർച്ചയാക്കുന്നതുവരെ വെറുതെ ഇരുന്നുകൊള്ളാമെന്നാണൊ ഉദ്ദേശിക്കുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഒരു ക്ലിപ്തസമയത്തിനകം ഗവണ്മെൻറു അതു ചെയ്യുമെങ്കിൽ വ്യവഹാരം കൂടാതെതന്നെ കാര്യം സാധിക്കുന്നതാണ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): എന്നാൽ അങ്ങിനെ ഒരു അമെൻറമെൻറ് കൊണ്ടു വരണം. വ്യവഹാരത്തിൻെറ ആവശ്യമില്ല. കരം ഞങ്ങൾക്ക് തരുന്നെങ്കിൽ അതു് വാങ്ങികൊള്ളാം എന്ന് നിർദ്ദേശിക്കുന്ന ഒരു അമൻറുമെൻറ് കൊണ്ടു വരണം. അല്ലാതെ ഈ അമൻറുമെൻറ് കൊണ്ട് മെമ്പ-

[Mr Kayalam Paramesvaran Pillai.]

റിൻെറ ഉദ്ദേശം സാധിക്കുകയില്ല. ഗവൺമെൻറ് ജന്മിക്കരം പിരിക്കുന്നതിനു തുടങ്ങുന്നതുവരെ ജന്മിമാർക്ക് വ്യവഹാരം കൊടുക്കുന്നതിനുള്ള അവകാശം വേണ്ടാ എന്ന് ജന്മിഭാഗത്തു് നിന്നും ഒരു അമൻറ്മെൻറ കൊണ്ടുവരണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇതുകാലത്തിനകം ഈ സെററിൽമെൻറു തീർന്നു ജന്മിക്കരം പിരിവു ഏറെറടുകൊള്ളാമെന്ന് ഒരു അമൻറുമെൻറുകൊണ്ടു വരുവാൻ സാധിക്കുമെങ്കിൽ വ്യവഹാരം കൊടുക്കേണ്ടതില്ല. ജന്മിക്കരം പിരിക്കാനുള്ള അവകാശം ഗവൺമെൻറിൻെറ അവകാശമായിട്ടു അമൻറുമെൻറുകൊണ്ടുവരണം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ ഒരു അമെൻറുമെൻറു കൊടുത്തിട്ടുണ്ടു. അതിൽ വീണ്ടും ഭേദഗതിവേണമെങ്കിൽ വേറെകൊണ്ടു വരണം . ഈ അമൻറുമെൻറു പാസായാൽ ൪൦-ാം വകുപ്പു റദ്ദു ആകുന്നതാണു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതുകൊണ്ട് ൪൩-ം ൪൧-ം വകുപ്പുകൾകൂടി തള്ളിപ്പോകുന്നതാണൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇല്ല. ൪൦-ാം വകുപ്പിൻ പ്രകാരം ജന്മമാർക്കു കരംപിരിക്കാനുള്ള അവകാശം കൊടുത്തിരിക്കുന്നു. ആ അവകാശം വേണ്ടാ എന്നുണ്ടെങ്കിൽ അതിലേക്ക് വഴിയുണ്ടാക്കാം. ഈ അമൻറുമെൻറുകൊണ്ട് ആ കാര്യം സാധിക്കുകയില്ല. അതിനാൽ ഞാൻ ഈ അമൻറുമെൻറിനെ എതിർക്കുന്നു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ അമൻറുമെൻറു അവതരിപ്പിക്കുന്നതിന് ഉദ്ദേശിച്ചിട്ടുള്ള സംഗതികൾക്ക് വേറെ വിധത്തിൽ നിവൃത്തിയുണ്ടാക്കാമെന്നു ലാമെമ്പർ പ്രസ്താവിക്കുന്നതുകൊണ്ട് അങ്ങിനെ ഒരു നിവൃത്തിമാർഗ്ഗം ഉണ്ടാക്കാമെന്ന് വിചാരിച്ചുകൊണ്ടു ഞാൻ ഈ അമൻറ്മെൻറിനെ പിൻവലിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെ ഒരു ധാരണയോടു കൂടിമാത്രം ഈ അമൻറ മെൻറിനെ പിൻവലിക്കണമെന്നില്ല. ജന്മിസംഗതിനിന്നുള്ള അഭിപ്രായത്തെ സാധിക്കുന്നതിനു വേണ്ടതു ചെയ്യാൽ അതിനെസ്വീകരിക്കാമെന്നു മാത്രമേ ഞാൻപ്രസ്താവിച്ചിട്ടുള്ളു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ലാമെമ്പർ ഇവിടെ പ്രസ്താവിച്ചതു് പിന്നീട് ചെയ്യുകയില്ല എന്നുദ്ദേശിച്ചിട്ടില്ല, അങ്ങനെ

ചെയ്യുമെന്നുദ്ദേശിച്ച് തന്നെയാണ് പിൻവലിക്കാമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നത്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ ഞാൻ സമ്മതിച്ചിട്ടുള്ള രണ്ടുമാത്രം ഈ അമൻറുമെൻറിനെ പിൻവലിക്കേണ്ട ആവശ്യമില്ല. ഈ അമെൻറു മെൻറു പാസായാലും ഫലമില്ലെന്നു പറഞ്ഞു തരേണ്ട ചുമതല എനിക്കുള്ളതുകൊണ്ടാണ് ഞാൻ അതിനെ പറഞ്ഞത്. ഇതിനെ വോട്ടിനിടണമെങ്കിൽ അങ്ങിനെ ചെയ്യാം

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ അമെൻറ് മെൻറിനെ വോട്ടിനിട്ടു തീരുമാനിക്കണമെന്നു എനിക്ക് അഭിപ്രായം ഉണ്ടെങ്കിലും എൻറെ ഭേദഗതിയെ ഞാൻ പിൻവലിക്കുന്നു.

The amendment was, by leave, withdrawn.

The following amendments were not moved;

MR. A. NARAYANA PILLAI: Section 16

Delete.

MR. A. NARAYANA PILLAI Section 17, sub-section. (4):

Substitute the following for the existing sub-section:—

"The Jennikaram shall be payable only in money and arrears of the same shall bear simple interest at the rate of 9 per cent. per annum."

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following amendment:

Section 17, sub section (4):

Add the following at the end of the sub-section—

"and at the rate of six per cent. per annum if it is collected or recovered by our Government under the provisians of Chapter IV."

Sir, Section 17, sub-section (4), as it stands says."

"an arrear shall bear simple interest at the rate of 9 per cent. per annum when it is payable in money or in paddy."

Now, Government have undertaken to collect the dues of Jenmis under the Revenue Recovery Regulation. Chapter IV is drafted for the purpose. The Jenmi is at a very great advantage with regard to that matter and when he is assured of speedy realisation and when the machinery of Government is available to him for collecting it, it is only proper that he should not be given more than 6 per cent. interest on the arrears realised. So I have brought forward the amendment for the consideration of this House.

MR K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I second it.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഗവൺമെൻറിൽ നിന്നും ഈ കരം പിരിവ് ഏറ്റാൽ കുടിശ്ശിക വരുന്നതെങ്ങിനെ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): നടപടികൾ എല്ലാം പൂർത്തിയായി വരുമ്പോൾ രണ്ടും മൂന്നും മാസം താമസിച്ചുപോകും. അതിനിടക്കുള്ള കരം കുടിശിഖ വരും.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഗവമ്മെൻറുകരം ഈടാക്കുന്ന അവസരത്തിൽ ജന്മികരവും ഈടാക്കുകയില്ലേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അങ്ങിനെ ചെയ്താൽ പലിശവേണ്ടെന്നാണോ പറയുന്നതു ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ജന്മിക്കരം പിരിയാതെ ബാക്കി വരാനുള്ള കാരണമെന്താണു്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കാരണം പറഞ്ഞു കഴിഞ്ഞതാണു്. റവന്യൂറക്കവെറി റെഗുലേഷൻ പ്രകാരം പബ്ലിക്ക് റവന്യൂവിന് ആറുശതമാനം പലിശമാത്രമേയുള്ളു. ആ സ്ഥിതിക്ക് ജന്മിമാക്ക് ഗവമ്മെൻറിൽ നിന്നും പിരിച്ചുകൊടുക്കാമെന്നു ഏല്ക്കുന്ന ഈ അവസരത്തിൽ അവക്ക് മുക്കാൽ വീതം പലിശകൊടുക്കണമെന്ന് പറയുന്നത് ശരിയല്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഗവമ്മെൻറ് കരം പിരിയുകയും ജന്മിമാരുടെ കരം പിരിയാതെ വരികയും ചെയ്യുമോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതു് അറിഞ്ഞുകൂടാ. ഗവമ്മെൻറിൽ നിന്നും പിരിച്ചു കൊടുക്കുന്നതു കൊണ്ടു് അരപ്പലിശയിൽ കൂടുതൽ കൊടുക്കാൻ പാടില്ല എന്നെ എനിക്കഭിപ്രായമുള്ളു.

MR. K. P. ABRAHAM (*Muvattupuza* cum *Todupuzha*): ഗവമ്മെൻറു് പിരിക്കുന്നതു് റവന്യൂറക്കവെറി റെഗുലേഷൻ പ്രകാരമല്ലേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതെ.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഞാൻ ഈ അമെൻറുമെൻറിനെ എതിക്കുന്നു. അരപ്പലിശ എന്നു പറയുന്നതു് ശരിയായിട്ടുള്ളതല്ല. ഒരു പലിശതന്നെ കിട്ടണം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈ ഒരു പലിശ വേണമെന്നു പറയുന്നതു് ഏതു തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ അരപ്പലിശ കണക്കാക്കിയതു ഏതു തത്വത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണെ എന്നു പറഞ്ഞാൽ ഒരു പലിശയുടെ തത്വത്തെപ്പററി പറയാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirker Vakil*): ജന്മിമെമ്പറന്മാർ ഈ പലിശക്രമത്തെ ആക്ഷേപിക്കുന്നതു കൊണ്ടു ഗവമ്മെൻറിനു ഈ ഭേദഗതിയെ അനുകൂലിക്കാൻ നിവൃത്തിയില്ല. മൂന്നു ശതമാനത്തെപ്പററി മാത്രമേ ഇവിടെതക്കമുള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഒരു പണം വീതമുള്ള പലിശവേണമെന്നാണു പറയുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഏതായാലും ജന്മിമെമ്പറന്മാർ അതിനെ ആക്ഷേപിക്കുന്നതു കൊണ്ടു് ഗവണ്മെൻറു് ജന്മിഭാഗത്തെ അനുകൂലിക്കുന്നു.

MR. A. THANU PILLAI (*Trivandrum*): സർക്കാരിൽനിന്നും പിരിക്കുന്നതിനു് അരപ്പലിശയാണോ നിശ്ചയിച്ചിരിക്കുന്നതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതെ! എന്നാൽ ഒൻപതുശതമാനം പലിശവേണമെന്നു് പറയുന്നതുകൊണ്ടു ഗവണ്മെൻറിനു് അതിനെ താങ്ങേണ്ടിയിരിക്കുന്നു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermad*): ഇപ്പോൾ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതി ന്യായമാണെന്നു ഗവണ്മെൻറു് സമ്മതിക്കുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിമാർ സമ്മതിക്കുന്നു എങ്കിൽ ന്യായംതന്നെ.

MR. A. THANU PILLAI (*Trivandrum*): ഗവണ്മെൻറിനു കുടിയാന്മാരെ താങ്ങുവാൻ പാടില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar vakil*): കുടിയാന്മാരെയും താങ്ങുന്നുണ്ടു്.

ജന്മിമാർ ഈ പലിശക്രമത്തെപ്പററി ആക്ഷേപിക്കുന്നതുകൊണ്ടു ഈ അമൻഡ്മെൻറിനെ ഞാൻ എതിർക്കുന്നു.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I support the amendment of Mr. Asan. In view of the fact that the collection has been made very easy for the jenmis by the application of the Revenue Recovery Regulation, and in view of the fact that by applying the Revenue Recovery Regulation, even the movables of the Kudiyans are likely to be restrained --all these things are provided under this Regulation--the six per cent. suggested by Mr. Asan is a very reasonable percentage. To support this statement, I will read the corresponding passage in the Malabar Tenancy Bill.

> "The arrears of renewal fee are payable with interest at a fixed rate and arrears of rent or michavaram are payable at the contract rate at the time of a renewal under Section 24 (2). Interest at 6 per cent. per annum is allowed on further instalments of renewal fee under Sectin 25 (2) in case of default in regular payment."

Therefore it is clear from this, we have gone in advance. We have also to bear in mind that in Malabar, the machinery provided for realising revenue is not the same as is in Travancore. The existing rules in Travancore are modified to a great extent in favour of jenmis. This is not the case in Malabar. In Travancore, jenmis are given every convenience by Government. The whole Government machinery is left at their disposal. Under the circumstances, I do not understand

[MR. K. P. Nilakanta Pillai.]

the logic of the jenmi members' opposition. The tenants are magnanimous enough to allow six per cent. even under the existing Regulation. With these words I support the amendment.

MR. N. RAMAN NAMPUTIRIPAD (*co-opted*): ഈ റഗുലേഷൻ ജന്മിമാരുടെ ഏതെല്ലാം അവകാശങ്ങളെ വിട്ടുകളഞ്ഞിട്ടാണ് സമ്മതിക്കപ്പെട്ടിട്ടുള്ളതു് എന്ന സംഗതി തീരെ വിസ്മരിച്ചാണ് ഇവിടെ പ്രവർത്തിച്ചു കാണുന്നതു.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): ജന്മിമാരുടെ ഏതെല്ലാം അവകാശങ്ങളെയാണ് അവർ വിട്ടിട്ടുള്ളതു്?

MR. N. RAMAN NAMPUTIRIPAD (*co-opted*) പൊളിച്ചെഴുതുവാനും പാട്ടം കൂട്ടുവാനും ഉള്ള അവകാശം ജന്മിമാർ വിട്ടിട്ടുണ്ടു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അതെല്ലാം കൂടിച്ചേർത്തു് റിന്യൂവൽ ഫീസ്സായി കിട്ടുമെല്ലോ?

MR. N. RAMAN NAMPUTIRIPAD (*co-opted*): ഏതെല്ലാം അവകാശങ്ങളാണ് വിട്ടിട്ടുള്ളതെന്നു് ഒരു ലിസ്റ്റു് വേണമെങ്കിൽ ഞാൻ തരാം. ജന്മിമാർക്കു് ഗുണകരമായ പല സംഗതികളും അവർ ഉപേക്ഷിച്ചിട്ടുണ്ടു്. ആ അവസരത്തിൽ ഈ സംഗതികളെപ്പററി നല്ലവണ്ണം ആലോചിച്ചു ശരിയായ ഒരു അറേഞ്ച്മെൻറു വരുത്താമെന്നും ജന്മിമാർക്കു ഇന്നു കിട്ടിവരുന്നതുകയിൽനിന്നും വളരെ കുറയാത്ത ഒരു തുക മേലും അവർക്കു കിട്ടത്തക്കവണ്ണം വ്യവസ്ഥ ചെയ്യാമെന്നും പറഞ്ഞിട്ടുണ്ടു്. ആ സംഗതികളെല്ലാം സിലക്ട് കമ്മിററിയും സ്വീകരിച്ചിട്ടുണ്ടായിരുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഒരു കേസ്സുകൊടുത്തു വിധിച്ചതിനുശേഷം ആ തുകക്കു എന്തുപലിശ അനുവദിച്ചു കിട്ടുന്നു എന്നറിയാമൊ?

MR. N. RAMAN NAMPUTIRIPAD (*co-opted*): അരപ്പണമാണു വിധിച്ചശേഷമുള്ള പലിശ.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഈ തുക കേസ്സുകൊടുക്കാതെ കിട്ടുന്നസ്ഥിതിക്കു അതിനു അരപ്പണ പലിശ പോരാ എന്തുകൊണ്ടാ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഒരു പണംവീതം പലിശ തന്നുകൊള്ളാമെന്നു [illegible] പത്രത്തിൽ എഴുതിക്കൊടുത്തതിനെപ്പററി കേസ്സുകൊടുത്താൽ അരപ്പലിശയേ കിട്ടുകയുള്ളൊ?

MR. A. THANU PILLAI (*Trivandrum*): റവന്യൂ റിക്കവറി റെഗുലേഷൻ പ്രകാരം നടപടി നടത്തിക്കഴിഞ്ഞാൽ അതു വിധിനടത്തി എടുക്കുന്നതു

പോലെ അല്ലേ അതിന്നു അരപ്പലിശ അല്ലേകിട്ടുന്നതു. അതനുസരിച്ചുനോക്കിയാൽ അതിൽകൂടുതൽ പലിശവേണമെന്നു പറയുന്നതു ന്യായമാണോ ?

MR. N. RAMAN NAMPUTIRIPAD (*co-opted*): ജന്മിമാരുടെ കരം മുടക്കിയാൽ നെല്ലാണെങ്കിൽ ഒന്നരവീതവും പണമാണെങ്കിൽ ഒന്നു വീതവും പലിശകിട്ടണമെന്നാണ് മുമ്പുവച്ചിട്ടുള്ളതു്. ആ അവകാശത്തെ വിട്ടുകളഞ്ഞിട്ടു അരപ്പണംവീതം വാങ്ങിക്കൊള്ളണമെന്നു പറയുന്നതു വളരെ നഷ്ടമായിട്ടുള്ളതാകയാൽ ഈ ഭേദഗതിയെ എനിക്കു സ്വീകരിക്കുവാൻ നിവൃത്തിയില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have nothing more to add. I press this amendment to a division.

DEPUTY PRESIDENT: The amendment is, to add at the end of Section 17, sub-section (4) the following: –

"and at the rate of six per cent. per annum if it is collected or recovered by Our Government under the provisions of chapter IV."

Those who are in favour of the amendment please raise their hands.

The amendment was put and carried.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, demand a poll.

A poll was taken with the following result: –

AYES—21.

1	Mr. K. P. Abraham	12	Mr. S. Krishna Pillai
2	,, S Chattanatha Karayalar	13	,, K. Kunjukrishna Pillai
3	,, A. S. Damodaran Asan	14	,, K. Madhavan Pillai
4	,, K. Gopalakrishna Pillai	15	,, K. P. Madhavan Pillai
5	,, M. Govindan	16	,, M. P. Madhavan Pillai
6	,, Joseph Kunju	17	,, P. S. Mahomed
7	,, K. C. Karunakaran	18	,, M. N. Narayana Menon
8	,, K. P. Kochukosa Tarakan	19	,, K. Narayanaperumal Nadar
9	,, K. Krishnan Nayar	20	,, A. Narayana Pillai
10	,, E. V. Krishna Pillai	21	,, A. Thanu Pillai
11	,, N. K. Krishna Pillai		

NOES—17.

1	Mr. R. Dhanukoti Pillai	10	Mr. Kayalm Paramesvaran Pillai
2	,, K. George	11	,, S. C. H. Robinson
3	,, A. Kumara Pillai	12	,, C. N. Srirengantha Sastri
4	,, C. O. Madhavan	13	,, J. S. Westerdale
5	,, E. G. McAlpine	14	,, Rama Varma Raja
6	,, B. Narayana Pillai	15	,, C. N. Tuppan Namputiripad
7	,, N. Nilakanta Pillai	16	,, C. P. Bhattathiri
8	,, R. Nilakanta Pillai	17	,, N. Raman Namputiripad
9	,, N. K. Padmanabha Pillai		

The amendment was declared carried.

The following amendment was not moved :—
"Mr. A. Narayana Pillai : Section 18.
Delete".

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I beg to move the following amendment, subject to some modifications which I shall explain presently.

In view of some of the alterations that have been made, and in view of the discussions we have had yesterday and the day before, I may be permitted to make a small amendment in this clause. This is my amendment in the place of amendment No. 29 in the list.

"Where jenmikaram or any portion of it, consists of paddy, the kudiyan shall be entitled to pay, in money, the value of such paddy, at the commutation rates fixed under the provisions of Section 46".

Section 46 is the Section which directs the method or mode of fixing the price of paddy. We will leave the question as to how the price of paddy has to be fixed ; and that may be determined when we consider Section 46. It is in view of such an understanding I have withdrawn some of the previous amendments during the last session of the Council. In order that we may not complicate matters I beg permission to modify my amendment as suggested above.

For the information of the House I shall read Section 46 as is found in the old Bill.

"Our Government may, for the purpose of this Regulation and after following the procedure prescribed in accordance with the rules to be passed by Our Government after previous publication, fix the commutation rate for paddy or other commodities payable by the Kudiyan and publish the same in Our Government Gazette".

This is the Section under which the rate of paddy, to be paid by the Kudiyan has to be fixed. There are various places where this question comes up. We have stated that this question may be reserved for consideration under Section 46 and I believe, that will simplify matters. Hence I propose to move this amendment if the Chair would give me permission.

DEPUTY PRESIDENT : Is it in view of the settlement that was once arrived at, you submit that the consideration of this question be postponed with the proposed modification.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Yes Sir. Whatever might be decided, either as a fixed rate or in accordance with the decision of the Committee to be appointed, let us alter it and say, we shall abide by the decision that will be arrived at under Section 46. Hence I propose to move the amendment with your leave, Sir.

DEPUTY PRESIDENT : Please explain that to the Jenmi Members in Malayalam.

MR. S. KRISHNA PILLAI (*Karunagapalli*): They say they understand the points I have suggested.

DEPUTY PRESIDENT: In the circumstances stated, I allow the amendment proposed by Mr. S. Krishna Pillai, to be made now?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I beg to move the amendment :—

"Wherever jenmikaram, or any portion of it, consists of paddy the kudiyan shall be entitled to pay in money, the value of such paddy at the commutation rates fixed under the provisions of Section 46".

I have only a word to submit in support of the amendment. Our attempt has throughout been to avoid as much as possible payment in kind. The jenmi members also have accepted that principle, and no payment in kind is being made by the kudiyans. So far as I have been able to see, the difficulty is that, we have to arrive at a fixed rate for the purposes of commutation, and that has been discussed at length. I find from the provisions of the Bill that Section 46 will have to deal with that question. Therefore, instead of bringing up this matter at this stage, I have to say that the commutation rate of paddy might be fixed under Section 46. We have some of the on-coming Sections which say that the price of jenmikaram, whenever it is in paddy, shall be paid and compelled to be paid in money. Both the jenmis and kudiyans agree that it shall be transacted in money. If that is so, then the commutation rate shall have to be paid by the kudiyan only in money; and only under certain special circumstances that mode may have to be altered. It is in view of these I move the amendment for the acceptance of the House.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the jenmis have no objection, I also have no objection.

DEPUTY PRESIDENT: Anybody desiring to speak on the amendment, please.

The amendment was accepted.

MR. M. GOVINDAN (*Nominated*): In that case, what I submit in this connection is, Section 46 as is found in the printed list might become some other Section.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I rise to a point of order.

DEPUTY PRESIDENT: Mr. Krishna Pillai has explained the circumstances under which he has to modify the amendment. The non-official members might remember that an attempt was sought to be made as regards reduction of the rate to be fixed by a committee. Hence, to see that matters are not complicated further, Mr. Krishna Pillai has brought finally the amendment just now read to the House. He has put it there; may be the number of the Section is vague; it may not be Section 46 in the end. When we come to that Section, that also will be taken into consideration then and necessary changes made.

[Deputy President.]

Under the circumstances, Mr. Krishna Pillai, do you want to make any alteration in the wording of the amendment ?

MR. M. GOVINDAN (*Nominated*) : I only wanted to suggest that Mr. Krishna Pillai's own object would be gained better, if instead of the amendment he suggests now, it is stated *"as hereinafter provided"*, without being specific.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : What Mr. Govindan says now is off the point. I want a ruling on the point. Mr. Krishna Pillai's amendment has been accepted by the jenmi members as well as the whole House. To go back on the decision arrived at is entirely out of order.

DEPUTY PRESIDENT : Every member has a right to make his own observations on the matter in issue.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Of course, when an amendment *is under discussion*, Mr. Govindan's suggestions would then be proper. But when once the amendment has been passed by the House, to go back upon that, is certainly improper. It is on that that I want a ruling from the Chair.

DEPUTY PRESIDENT : Mr. Govindan was only putting a suggestion to Mr. Krishna Pillai's amendment.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Section 46 may become Section 56.

MR. M. GOVINDAN (*Nominated*) : I did not say Section 56 or any other number. My own impression is that "hereinafter provided" would be better, for his own purpose.

DEPUTY PRESIDENT : That is only a suggestion made. Have you anything to say as regards the amendment ?

The amendment now before the House is

> "Where the jenmikaram or any portion of it consists of paddy, the kudiyan shall be entitled to pay in money the value of such paddy at the commutation rates fixed under the provisions of Section 46 ".

The amendment was put to the vote of the House and carried.

DEPUTY PRESIDENT : Clause VII with Mr. Asan's amendment to Section 17, sub-section (4) fixing six per cent per annum and the amendment of Mr. S. Krishna Pillai as regards the price to be fixed under Section 41, I put this to the House whether it does form part of the Bill.

The question that clause VII as amended do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause VIII.

The question that clause VIII do stand part of the bill was then put and carried.

The Clause was added to the Bill.

Clause IX.

The question that Clause IX do stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause X.

The question that Clause X do stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause XI.

MR. A. NARAYANA PILLAI (*Vaikam*). I move that Section 26 (*a*) be deleted. It reads thus: —

"It shall be competent to the jenmi of any holding, without prejudice to any other right of action that he may have, to make an application to the Tahsildar of the taluk in which the holding is situated to recover the arrears of any jenmikaram in respect of that holding."

MR. A. NARAYANA PILLAI (*Vaikam*): ൨൦-ാം വകുപ്പിൻപ്രകാരം ഗവൺമെന്റു കരം പിരിച്ചുകൊടുക്കാമെന്നുള്ള ഭാരംമുഴുവൻ കയ്യേൽക്കാമെന്നു സമ്മതിച്ചിരിക്കുന്ന സ്ഥിതിക്കു ഒരു അപേക്ഷ വാങ്ങിച്ചുകൊണ്ടു പ്രത്യേകം പിരിച്ചുകൊടുക്കാമെന്നു ഒരു വ്യവസ്ഥ ചെയ്യേണ്ടതാവശ്യമില്ല. ൨൦ എ. വകുപ്പുപ്രകാരം മുഴുവൻ കരവും പിരിച്ചുകൊടുക്കാമെന്നു ഗവൺമെന്റു സമ്മതിക്കുന്നതുകൊണ്ടു ൨൬ എ. വകുപ്പു ആവശ്യമില്ലെന്നാണു എന്റെ അഭിപ്രായം.

For want of seconding the amendment was lost.

The question that Clause XI do stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause XII.

MR. A. NARAYANA PLLAI (*Vaikam*): ജന്മിക്കരം പിരിച്ചുകൊടുക്കാമെന്നു ഗവണ്മെൻറ് സമ്മതിക്കുന്നതുകൊണ്ട് പ്രത്യേകം ഒരപേക്ഷ കൊടുക്കണമെന്നുള്ള വകുപ്പ് ആവശ്യമില്ല. അതുകൊണ്ടു ൨൧-ാം വകുപ്പ് എടുത്തുകളയണമെന്നാണ് എന്റെ അഭിപ്രായം.

DEPUTY PRESIDENT: Will it not be better for the Law Member to explain as to when such applications are intended to be made?

MR. KAYALAM PARMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിക്കരം പിരിച്ചുകൊടുക്കാമെന്ന് ഗവണ്മെൻറ് ഏററിട്ടുണ്ട്. അതിന് ശരിയായ റിക്കാർഡ് വേണം. കണ്ടെഴുത്തിൽ റിക്കാർഡ് ഉണ്ടാകുമ്പോലെ ജന്മിക്കരത്തെ സംബന്ധിച്ചും ആവക വസ്തുക്കളിൽ കണ്ടെഴുത്തുനടത്തി രജിസ്റ്റർ തയ്യാറാക്കണം. അതിലേക്ക് ഒന്നും രണ്ടും കൊല്ലം വേണ്ടിവരും. അതുവരെയുള്ള ജന്മിക്കരം കുടിയാന്മാരിൽ നിന്നും ഈടാക്കി എടുക്കുന്നതിനും കുടിയാൻ കൊടുക്കുന്നതിനും ചില വ്യവസ്ഥകളും വേണം. അതിലേക്കാണ് ൨൬-ാം ൨൧-ാം വകു

[Mr. Kayalam Paramesvaran Pillai.]

പ്പകം ചേൎത്തിരിക്കുന്നതു്. ഇതനുസരിച്ച് ഇന്നാരിൽനിന്നും ഇന്ന തുക ഈടാക്കിത്തരണമെന്ന് ജന്മി ഒരപേക്ഷകൊടുത്താൽ ഉടനെ ആ തുക ഈടാക്കിത്തരുന്നതാണ്. ഇങ്ങിനെ ഒരുവ്യവസ്ഥയില്ലെങ്കിൽ കുടിയാനു കൊടുക്കുന്നതിനൊ ജന്മിക്ക് വാങ്ങിക്കുന്നതിനൊ നിവൃത്തിയില്ല.

MR. A. NARAYANA PILLAI (*Vaikam*) : എല്ലാജന്മിമാൎക്കും ഇതുമാതിരി ചെയ്യാമെന്നാണൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതെ, റവന്യൂറിക്കവറി റെഗുലേഷൻപ്രകാരം ഈടാക്കിത്തരണമെന്ന് അപേക്ഷ കൊടുത്താൽ ആ തുക ഈടാക്കിത്തരും. ബിൽ ഇന്നു ചട്ടമായാൽ നാളെമുതൽ അങ്ങിനെ ചെയ്യാവുന്നതാണ്. അതിനെ മാററി ഗവൺമെൻറു പിരിവ് ഭാരം എടുക്കുന്നതായാൽ അപേക്ഷകൊടുക്കേണ്ട. അതിലേക്ക് മറെറാരുവകുപ്പ് ചേൎത്തിരിക്കുന്നു. അപേക്ഷ കൊടുക്കാമെന്നുള്ള വകുപ്പോടുകൂടി റെഗുലേഷൻ പാസായാൽ പാസാകുന്നതുമുതൽ ഈടാക്കിത്തരും. ഗവൺമെൻറ് ഏറെറടുത്താൽ അപേക്ഷ കൊടുക്കേണ്ട.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : ഒരു വകുപ്പ്മാത്രമാണെങ്കിൽ അപേക്ഷ അതിനകത്ത്തന്നെ കിടക്കുകയില്ലെ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതെ; ജന്മിക്കരം പിരിക്കുന്നതു് ഗവമ്മെൻറ് ഏററുകഴിഞ്ഞാൽ ആ തീയതിമുതൽ ഈവകുപ്പിന് ഊൎജ്ജിതമില്ല.

The Proposed Section 40 Reads thus:

"Notwithstanding anything contained in the foregoing provisions of this Regulation no payment of any such jenmikaram as is referred to in Section 40 F, with sub-section (1), made otherwise than in accordance with the provisions of that sub-section, shall be deemed to be a valid discharge of the liability to pay such jenmikarams and in respect of such jenmikarams it shall not be lawful for any jenmi to institute any suit under the provisions of Chapter III or for the jenmi or the kudiyan to make any application under the provisions of the same chapter."

പിരിവുഭാരം ഗവമ്മെൻറ് എടുത്തുകഴിഞ്ഞാൽ അപ്പോൾമുതൽ ജന്മിക്ക് വ്യവഹാരംകൊടുക്കുവാനുള്ള അവകാശവും താലൂക്കിൽ അപേക്ഷിക്കുവാനുള്ള അവകാശവും നശിച്ചുപോകും. കരംപിരിവ് പ്രവൃത്തിയിൽ വരുത്തുന്നതിന് കുറെ കാലതാമസം നേരിടും. അതിനകമുള്ള കരംകിട്ടുന്നതിനെ സംബന്ധിച്ച് ഏതെങ്കിലും വ്യവസ്ഥവേണം. അതിനാണ് ഈ വ്യവസ്ഥവച്ചിരിക്കുന്നതു്. അതുകഴിഞ്ഞ കൌൺസിൽ സമയത്ത് കാൺഫറൻസ്കൂടി അതിൽ തീരുമാനിച്ച സംഗീത

യാണ്. ഈ വകുപ്പുള്ളതുകൊണ്ടു ചിലക്കു ഭയം ഉള്ളതുപോലെ തോന്നുന്നു. ആ ഭയം വേണ്ട. കഴിയുന്നതും വേഗം നടപടികൾ നടത്തണമെന്നു തന്നെയാണ് ഗവർമ്മെൻറുദ്ദേശിക്കുന്നതു്. അതിനാൽ ജന്മിമെമ്പറന്മാർക്കു ആ ഭയം വേണ്ട. ഈ വകുപ്പു അത്യാവശ്യമാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The amendment is not seconded.

DEPUTY PRESIDENT : I wanted to make the position of the Sirkar to be made clear. Anybody to second the amendment ?

The amendment was lost for want of seconding.

The question that Clause XII do not stand part of the Bill was then put and carried.

The Clause was added to the Bill.

Clause XIII.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Amendment to Section 28, clause (*b*) is also a consequential amendment to the amendment we have made to Section 18. In clause (*d*) it is stated :

> "The entire amount of the jenmikaram and the interest due thereon up to the date and the market value at the current rate of such items as are payable in kind."

Since we have accepted the amendment to section 18, the same sort of amendment may be permitted to be made here also. In the proposed Section 28, clause (*d*) for the words "*market value at the current rate*" substitute the words "*the value at the commutation rates.*" The reason for this is that after the amendment made to Section 18 there shall be nothing payable in kind. After settling the jenmikaram, there is only one thing that the kudiyan can be compelled to pay in kind. That was amended; and it was settled that the kudiyan shall be entitled to pay in money so that hereafter there will be nothing which the kudiyan can be compelled to pay in kind. It would therefore be sufficient if it is stated "*the entire amount of the jenmikaram and the interest due thereon up to date.*"

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : It is stated there that the kudiyan is entitled to pay at the commutation rate. He has got the choice of paying it in kind also and so the kudiyan is not denied the option of paying in kind. So, it is better to have the substitution ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : All that is necessitated is to state certain figures. There is no question of any liability to pay or any right to receive. I therefore move that in Section 28, clause (*b*) the words 'the commutation price of such portion of it as is in kind' be substituted for the words 'the market value at the current rates of such items as are payable in kind.'

Sir, this amendment is necessitated by the amendment to Section 18.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to say.

The amendment was put to vote and declared carried.

The question that Clause XIII as amended do form part of the Bill was put to vote and the Clause as amended was added to the Bill.

Clause XIV.

The following amendment was not made :

MR. A. NARAYANA PILLAI : Section 29 ; Delete.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I may be permitted to move an amendment consequent on the amendments moved already to other Sections. I beg to move that the words occurring in Section 29, namely, 'at the current market rates' be deleted.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I second it.

DEPUTY PRESIDENT: Will it not be desirable to prescribe as to how it should be converted into money? You simply say 'paid in money.' Well, it must be under some other provision of the Regulation or you will have to fix the rate.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Section 28 is referred to in that Section itself.

MR. A. THANU PILLAI (*Trivandrum*): May I know the amendment that is before the House ?

DEPUTY PRESIDENT : Mr. Krishna Pillai's amendment is to delete the word 'at the current market rates' at the end of Section 29.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : With the permission of the Chair, I would like to make a suggestion. Along with the Bill there is a printed paper which contains the Regulation with the amendments incorporated. That would be misleading. The Bill itself is there and Clause XIV of the Bill reads thus :

> "In Section 29 of the said Regulation, (*a*) for the word 'Michavaram' the word 'jenmikaram' shall be substituted in both the places where it occurs, and (*b*) before the word 'market' the words 'the current' shall be inserted."

It is clause (*b*) that has now to be amended. And the amendment should be in this form—

> "for sub-clause (*b*) of Clause XIV substitute the following :—
> Omit the words '*at market rates*' "

MR. A. THANU PILLAI (*Trivandrum*) : In the Bill how does sub-clause (*b*) read ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) :

> Before the word 'market' the words 'the current' shall be inserted.

DEPUTY PRESIDENT : Mr. Krishna Pillai, do you accept that suggestion ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I second it.

The amendment was put and declared carried.

The question that Clause XIV as amended do form part of the Bill was put and carried and the Clause as amended was added to the Bill.

Clause XV.

MR. A. NARAYANA PILLAI (*Vaikam*): ജന്മിക്കരം സംബന്ധിച്ചുള്ള രജിസ്റ്റർ തയ്യാറാക്കുന്നതുവരെയുള്ള സമയത്തേക്കു മാത്രമേ ഈ വകുപ്പുകൾ കൊണ്ടു ഉദ്ദേശിച്ചിട്ടുള്ളൂ എന്നു ലാമെമ്പർ ഇവിടെ പ്രസ്താവിച്ചിട്ടുള്ളതിനാൽ എന്റെ അമൻറുമെൻറിനെ ഞാൻ അവതരിപ്പിക്കുന്നില്ല.

The question that Clauses XV, XVI XVII and XVIII do form part of the Bill was put and carried. The clauses were added to the Bill.

Clause XIX.

The following amendment was not made :—

MR. A. NARAYANA PILLAI (*Vaikam*): Section 40.

Delete.

The question that Clause XIX do form part of the Bill was put and carried. The Clause was added to the Bill.

Clause XX.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have given notice of amendments in regard to Clause XX. ക്ലാസ്സ് XXയെപ്പററി ഞാൻ അമൻറുമെൻറ് നോട്ടീസുകൊടുത്തിട്ടുണ്ട്. ജന്മിമെമ്പർക്കു അതിനെപ്പററി അമൻറുമെൻറ് കൊടുക്കണമെന്നുണ്ടെങ്കിൽ അതു ഞാൻ ഇപ്പോൾ അവതരിപ്പിക്കുന്നില്ല. പിന്നെ ഒരു സമയത്തേക്കു മാററിവയ്ക്കാം. സർക്കാർതന്നെ പിരിച്ചുകൊടുക്കണമെന്നാണു അഭിപ്രായമെങ്കിൽ ഞാൻ ഇപ്പോൾതന്നെ ഈ അമൻറുമെൻറിനെ അവതരിപ്പിക്കാം.

MR. C.N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞങ്ങൾക്കു ആ ഭാഗത്തെപ്പററിഒന്നും പറയാനില്ല. ഇതിനെപ്പററിയുള്ള അഭിപ്രായങ്ങളെല്ലാംകൂടി ൭൦ എ. വകുപ്പു വരുമ്പോൾ പറയാമെന്നു വിചാരിച്ചിരിക്കുകയാണ്. അതിനെപ്പററി ആലോചിച്ചു അമൻറുമെൻറ് അയക്കുന്നതിന് സമയം വേണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതുവരെ ഈ അമൻറുമെൻറ് മാററിവയ്ക്കണമെന്നു അഭിപ്രായമുണ്ടെങ്കിൽ അങ്ങിനെ ചെയ്യാം. അമൻറുമെൻറ് ഉടൻ അയക്കണം. അതിനെപ്പററി എഴുതുകയോ കൗണ്ടർ അമൻറുമെൻറ് കൊണ്ടുവരികയോ ചെയ്യാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അങ്ങിനെ അമെൻറുമെൻറ് അയക്കാൻ സാധിക്കുന്നതാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെ അമെൻറുമെൻറ് അയക്കാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഈ അമെൻറുമെൻറ് ഇവിടെ അവതരിപ്പിക്കുന്നില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അവതരിപ്പിക്കുന്നുണ്ട്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*); അമെൻറുമെൻറിന് വേറെ അമെൻറുമെൻറ് അയക്കണമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*), അങ്ങിനെ അയക്കാൻ അവകാശമുണ്ട്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അങ്ങിനെ അയക്കുന്ന പക്ഷം എത്രയിൽ നോട്ടീസ് തരേണ്ടതാണ്. എന്നാൽ മാത്രമേ ൪൦ A മുതൽ N വരെയുള്ള വകുപ്പുകൾക്കു ശരിയായ ഒരഭിപ്രായം പറയാൻ സാധിക്കയുള്ളൂ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതിനെപ്പറ്റി അമെൻറുമെൻറുകളെയിൽ അയക്കണം. അതിനുവേണ്ടി മാററിവയ്ക്കണമെന്നാണോ പറയുന്നത്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): നാളെത്തന്നെ അമെൻറുമെൻറു അയച്ചുകൊള്ളാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതിനാൽ മാററണമെന്നാണോ അഭിപ്രായം?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ.

DEPUTY PRESIDENT: As the Jenmi members observe that they want to send up amendments to Section 40 and as it seems to me that as this prayer has to be allowed, this being one of the important Sections of the Bill, we may adjourn the business for the day.

The Council adjourned at 4-25 P. M.

A. KUMARA PILLAI,

Secretary to the Legislative Council

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT*)

Saturday, the 25th Vrischikam 1108/10th December 1932.

The Council met in the Victoria Jubilee Town Hall, at Eleven thirty two of the Clock, the President presiding.

QUESTIONS AND ANSWERS.

Construction of the road from Tondankulangara to Munro Light.

8. **MR. K. PADMANABHA PANIKKAR** (*Ambalapuzha*): Will the Government be pleased to state:

(*a*) whether the route for the proposed road from Tondankulangara to Munro Light in Aryad South pakuthi was inspected by the Chief Engineer subsequent to the inspection by the Division Officer, Kottayam, in Edavam 1107;

(*b*) whether the owners of lands adjoining the route, according to the tracing plan prepared, have consented to surrender the necessary lands and have submitted statements to that effect to the Provertikar Aryad South pakuthi; and

(*c*) the length of the proposed road and the places through which it leads?

MR. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) This is under reference to the Revenue Department.

(*c*) Two miles. It passes through Tondankulangara, Kottankulangara, Thathampalli, etc.

Statement of suits re chitties pending at the end of 1106.

9. **MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to lay on the table a statement showing:

(*a*) the number of *chitty* suits pending at the end of 1106 in the various civil courts of the State;

(*b*) the total amounts involved in those suits;

(*c*) the total amounts involved in, and the number of, other suits pending at the end of 1106 in the various civil courts of the State; and

(*d*) the number of those *chitty* suits where (i) the plaintiffs are the foremen, and (ii) the plaintiffs are the subscribers?

G. P. T. 1361. 300.

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) 3,519.
(*b*) Rs. 16,65,593 Chs. 21 c. 3.
(*c*) Rs. 2,09,32,184 Chs. 2 c. 8. 25,341 suits.
(*d*) (i) 2,210
(ii) 1,309

Recognition of the Chintamani system of treatment.

10. MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether they received a deputation to recognise the *Chintamani* system of treatment;

(*b*) whether the deputation prayed for giving grants to the *Chintamani Vaidyasalas*; and

(*c*) the action taken by them thereon?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) No.

(*c*) The subject has been referred to the Principal, Ayurveda College, and the Inspector of Ayurveda, and their reports are awaited.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): With reference to answer to part (*c*) of the question, may I know why the subject has been referred to the Principal, Ayurveda College, and the Inspector of Ayurveda and why cause delay when such a Government as the Goverment of Madras have recognised the Chintamani system of treatment?

MR. A. KUMARA PILLAI (*Secretary to Government*): Of course details have to be sent by the head of the institution and this Chintamani class has to be instituted in the Ayurveda College. So their reports have to be got down before final orders are passed.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Government ascertained from the Government of Madras whether they have recognised the Chintamani system of treatment?

MR. A. KUMARA PILLAI (*Secretary to Government*): I do not think there is any necessity for it.

Appointment of a food analyst.

11. MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Will the Government be pleased to state:

(*a*) whether they contemplate the appointment of a food analyst;

(*b*) if the answer to part (*a*) is in the affirmative, the pay and the minimum qualification prescribed for the appointment;

(*c*) whether the Government have advertised for suitable candidates for the appointment; and

(*d*) whether they have in service qualified men who may be able to carry on the duties of a food analyst?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) The pay has not been fixed. The minimum qualification prescribed for the appointment is the Bachelor of Arts degree in Chemistry with training in Food Analysis in any Public Health Laboratory for a period not less than six months.

(*c*) No.

(*d*) Applications from persons in Government service have also been received and these, along with the other applications, are under the consideration of Government.

Extent of Eralkads and Pulkads in Pattanamtitta.

12. **MR. K. KRISHNAN NAYAR** (*Pattanamtitta*): Will the Government be pleased to state the number of acres of *Eralkads* and *Pulkads* in Pattanamtitta taluk?

MR. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): The information is not available.

ADJOURNMENT MOTION.

PRESIDENT: Mr. Karunakaran proposes to move the adjournment of the business of the House to discuss "the fall and the impending further fall in the price of Travancore copra due to the import of Ceylon copra and to its possible increase in the near furtuer".

I consider that this is in order so far as the rules are concerned. Has the member the leave of the Council?

Leave was granted.

PRESIDENT: The motion will be taken up at 3-30 to-day.

DEMANDS FOR SUPPLEMENTARY GRANTS.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, before we pass on to consider the demand for supplementary Grants, I wish to raise a point of order. Rule 53 of the Legislative Council Rules reads thus:

"An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget for a grant for which the vote of the Council is necessary, is found to be insufficient for the purpose of the current year, or

(ii) a need arises during the current year for the expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year."

Further on in R. Dis. 238/31/Legis., it is stated thus:

"It is hereby notified that the Dewan has passed the following orders under Rules 46 (4) and 53 (3) of the Travancore Legislative Council Rules.

1. Not less than four days before the date fixed for the presentation of the Budget to the Legislative Council, copies of the Budget and Schedule of Demands for grants shall be posted to the address of each member as given by him, or in case an address within the Municipal Town of Trivandrum is given, delivered at such address.

2. Not less than three days before the presentation of any estimate for any supplementary or additional grant a copy of the demand for the grant shall be similarly posted or delivered:

Provided that in any case which the Dewan considers exceptional or urgent, it shall be open to him to order the suspension of this rule and direct that shorter notice or notice in any other manner shall be sufficient."

[Mr. E. V. Krishna Pillai.]

There in the second paragraph it is stated that—

"Not less than 3 days before the presentation of any estimate for any supplementary or additional grant, a copy of the demand for the grant shall be similarly posted or delivered."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know the page of the Manual from which the member read the last order of Government?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): The order read out by me is in the form of a slip and unfortunately there is no page number printed on it. By this order it has clearly been made obligatory on the part of the Secretary to give three days' clear notice of the fact of the supplementary grant. Moreover, not only the Rule as to three days' notice has not been observed but it is only just now that the paper has been put into our hands.

PRESIDENT: When did it reach your hands?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): This morning, say at about 11·30, when we were expected to be in this Hall. So, we were not at all in a position to go through the various demands and see the necessity or otherwise of the demands proposed to be moved by the various members of the Government. So I beg to submit that the consideration of these demands may be adjourned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the members really feel that there is any difficulty, it may be postponed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, it will not do if in the present case, because there is some difficulty if it is postponed. The point is whether we are entitled to get 3 days' notice whenever a demand for a supplementary grant comes up. I request a ruling to be given.

PRESIDENT: I do not think a ruling is necessary.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, a point of order having been raised, it is necessary to give a ruling.

PRESIDENT: The rule is clear, but there is also a proviso to it and so no point of order arises. The consideration of the supplementary demands will however be postponed.

LEGISLATIVE BUSINESS.

THE TRAVANCORE PROVIDENT INSURANCE SOCIETIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the report of the Select Committee on the Provident Insurance Societies Bill and beg to move that the Bill, as reported by the Select Committee be taken for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to this, we have not been given sufficient notice. Even the rules provide that we should get copies of the report of the Select Committee

"After the presentation of the final report of the Select Committee on a Bill, the member in charge may move—

(i) that the Bill as reported by the Select Committee be taken into consideration; but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days, or if three months have not elapsed from the date of the first publication of the Bill, and such objection shall prevail unless the President, in the exercise of his power to suspend this rule, allows the report to be taken into consideration; or

(ii) that the Bill be re-committed either

(a) without limitation, or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the Select Committee to make some particular or addiinoal provision in the Bill."

The copy of the report of the Select Committee on the Bill was supplied to the members of the House only on the day before yesterday.

PRESIDENT: What rule is it?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Standing Order 37, paragraph 78 of the Manual at page 15. By stating this, it is not my object to press that the consideration of the Bill be postponed. Now, there is absolutely no amendment coming forth on the report of the Select Committee and making use of the earliest opportunity, I have to-day tabled some amendments and even these are not before the House. My submission is that either under this Order the consideration of the Bill be postponed or the amendments just now tabled by me be admitted to be moved.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I have no objection to the second course suggested by Mr. Nilakanta Pillai, namely, to admit his amendments.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): But we have not been able to send up amendments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The amendments that have been received so far are being typed and I hoped to be able to have them distributed by the time the discussion on the suppelementary demands was over and I did not expect that objectjon would be taken to that.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir,.........

PRESIDENT: You must not interrupt the Law Member, Mr. Nadar.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If, apart from the technical objection raised, you think, Sir, that the members will really be prejudiced by the amendments not having been circulated, I have no objection to this Bill also being postponed.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Sir, we have not been able to consider the Bill in detail and send amendments in time and also it is rather a long Bill containing various provisions and as such it will be facilitating the consideration of it in detail if some postponement is allowed.

PRESIDENT : The consideration of the Bill will be postponed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With your permission, Sir, I wish to make one observation with rsgard to this Bill. Any members who wish to make amendments, would do well to send them to-day in order that they may be printed and circulated at once.

THE CHITTIES REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Chitties Regulation of 1094. It has been publised in the Gazette with a statement of objects and reasons and I now beg to move that the Bill be read in the Council.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall now briefly explain the principles involved in the Bill. There are two distinct principles involved. The first is the provision for the postponement of the instalments of a chitty and the other is a provision for penalising what is called the Kurichitties.

In regard to the first namely, the postponement of the instalments of a chitty, the reason for the introduction of the proposed measure is that representations have been made to the Government that owing to the scarcity of money in the country some special remedy or machinery must be provided for the postponement of the instalments of a chitty so that people who have not the money to pay for the chitties may be afforded sufficient facilities for continuing in the chitty without being treated as defaulters. At the same time, it is thought that the power to postpone should not be allowed indefinitely. It is therefore proposed at present that the power should be exercised for postponement only to the extent of one year and after that power should be left to the Government to prescribe further periods of say one year or two years, according as the economic conditions improve or not for which the postponement may be made. This matter was considered by the Economic Development Board and it is on their advice that this measure has been drafted and practiclly it is their recommendation that is sought to be implemented by clause 2 of the Bill, *i. e.*, the Section proposed to be added as Section 52 in the Regulation.

With regard to the other principle, the House is certainly aware that there is what is called Kuri chits and there is a large number of them in the country. What are these Kuri chits ? Probably it may not be possible to generalise them in such a way as to bring all sorts of kuri chits under a firm definition but most of them come within the meaning of the "transactions *partaking* of the nature of chitties" which are declared void by the Chitties Regulation. Section 4 of the Regulation lays down that—

"Transactions partaking of the nature of a chitty but not falling within the definition in sub-section (1) of Section 3 are void."

Then in the definition of 'Chitty' laid down by Section 3 (1) certain explanations and an illustration are given which will show what chitties are valid and what are void, and it will be seen that what are called kurichitties are void. Although the Chitties Regulation declares that these transactions "partaking of the nature of a chitty" are void there is no provision in the Regulation to penalise them, that is to say it is declared that such and such transactions are void, but what is the punishment for a person who still conducts such transactions and how is a person who is able to pursuade other people to become subscribers to such transactions to be prevented. There is now no way. The transactions being void the subscriber will not have any remedy in a court of law for claiming the prize. If he pays two or three rupees and soon after wins a prize amount of say Rs. 300 and the prize money is not paid to him, the prize winner cannot go to a court of law to help him to get the prize money. However, that is a different matter. Since the kurichitty has been declared by law to be a void transaction and since there are many enterprises for carrying on these kurichits, it is considered advisable that a penalty be imposed against the conduct of these chitties. Therefore, a Section is proposed to be added to the Chitties Regulation namely the proposed Section *53* which will penalise any person who conducts a kurichitty or procures or solicits money from people towards such chitties.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether the member has been made aware of any resentment against these kuri chits?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know in which form?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Petitions have been received.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): To the member direct or to the Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To the Government; and also officers of Government have made reports.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Can the member assure the House that the resentment manifested in these petitions is of sufficient volume to call for such a measure?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The file is not with me now. There has been a representation and the matter has been reported upon by the officers of Government and Government considered, that the complaint was a real one, not by reason of the volume of complaint but by reason of its merits.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So, may I know whether even apart from the fact that so many memorials

[Mr. E. V. Krishna Pillai.]

have been received by the Government, Government are of opinion that such a measure is beneficial?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. I am not resting this Bill merely upon the fact of complaint at all. My point is that the Chitties Regulation has declared such transactions to be void. Is it not right that the legislature should provide a penalty against the person who still conducts the transactions?

MR. A. THANU PILLAI (*Trivandrum*): Sir, May I know from the member in a general way the nature of the representations made with regard to the provision for postponement of chitty? Are they from any associations or individuals or are they from the foremen of chitties or from the subscribers? Is any definite information available in regard to that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got all those representations here and further it is not exactly on those representations that I base this Bill. The representations were considered by the Economic Development Board, the expert advisers of Government. They recommended the postponement of the instalments and it is chiefly on their recommendation that this Bill is based

MR. A. THANU PILLAI (*Trivandrum*): I wish to know whether these representations were from the interested people. Can it be said that there is a general demand instead?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Of course, it must be from interested people. But I say that that is not the real reason for this measure being introduced. The Government consulted their expert advisers, the Economic Development Board, in this matter and they twice recommended that provision should me made for the postponement of the instalments of chitties and it is more on their recommendation that I stand before this House in support of this measure.

MR. A. THANU PILLAI (*Trivandrum*): In case the present condition of things does not improve, say at the end of the year, what is it that Government propose to do? Do they intend to extend the time for payment of the instalment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. The power should be left to the Government to extend the period from time to time.

MR. P. S. MAHOMED (*Nominated*): ധനപരിപോഷണക്കമ്മിററി ശുപാർശചെയ്തിട്ടു എത്ര വർഷമായി?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇപ്പോൾ അഞ്ചാറുമാസമായതെയുള്ളു.

MR P. S. MAHOMED (*Nominated*): ഇതാവശ്യമാണെന്നു റക്കമെൻറു ചെയ്തിട്ടു എത്രനാളായി?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ധനപരിപോഷണക്കമ്മിററി ആദ്യം ഇതിനെപ്പററി റക്കമെൻറുചെയ്തതനുസരിച്ചു ഒരു ബിൽ ഗസററിൽ പരസ്യംചെയ്തു. പിന്നീടു അതിനെപ്പററി തർക്കമുണ്ടായതുകൊണ്ടു ഇതിനെ ഒന്നുകൂടി ധനപരിപോഷണക്കമ്മിററിക്കയച്ചു. ഇതിലേക്കു എന്തെങ്കിലും ഒരു നിയമം ഉണ്ടായിരിക്കേണ്ടതാണെന്നു അവർ ശുപാർശചെയ്തു. അതനുസരിച്ചാണു് ഇപ്പോഴത്തെ ബിൽ തയ്യാറാക്കി ഗസററിൽ പരസ്യം ചെയ്തതു്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : May I know how the penalty clause regarding the kurichitties is intended to affect the kurichitties that are now running ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If after the passing of this measure they conduct the chitties they will be punished.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : If they conducted the chitty and now refrain from paying, they will be quite safe ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. They will be punished for the conduct of the chitty. If they do not pay the money, they cannot be compelled. The transaction is void and the foreman cannot be compelled to pay the prize money.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Even if a particular individual is willing to pay he will not be able to pay. He will be prohibited from paying the prize amount.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : From paying the prize amount ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes. According to the rules of the kurichitty, it is the prizes with some profit and in the end the amount subscribed with some profit, that is stipulated to be paid.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is not expressly brought in here. All that is done is to penalise the transaction which is already legally void. What the civil rights of the parties will be is a different matter.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : We would like to be enlightened on the matter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : My view as a lawyer is this. These transactions are declared to be void and I do not think anybody will be entitled to get anything by putting forward a claim *based* on such transactions.

MR. K. GEORGE (*Chief Secretary to Government*) : Is it void even now ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes ; even now under the Regulation it is void.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that even though the foreman may be honest, this provision prevents him from parting with the money?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sikar Vakil*): Yes, in one sense. This Regulation will affect the conduct of the transaction itself and *ipso facto* the passing of the money also.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Therefore this amendment instead of helping the subscribers or the foreman to recover the amount prevents all parties from performing it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is with reference to that that I say that it is not meant to help or not the recovery of the money.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that the foreman who has collected the subscriptions and who is very honest will be unable to part with these huge sums on account of this provision?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That does not follow.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If, after the coming into operation of this Bill, the foreman conducts the chitty, it will be punishable.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Although the chitty has been started and collections were made before the coming into operation of this Bill, yet if the chitty is continued after this Bill comes into force, it will be punishable.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Therefore, does this not operate to enable the foreman who has collected large sums of money to keep it for himself?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has he not a fair excuse to offer that "here is the law and if I pay the money I will be convicted and so let the whole thing go into my account"?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not agree to it, Sir. If the lot had been drawn before the passing of this measure the matter ends there and this present measure does not apply to it. If the money is sought to be recovered after the passing of this Regulation, then probably Mr. Krishna Pillai's observation may apply and it is not my intention that even such people should be helped.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose the lot had not been drawn but the money had been collected by the foreman. Will it not continue to be in the hands of the foreman?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, it will, but I have not the least objection to any amendment being tabled to prevent that.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : It is possible to introduce an amendment under which we shall be in a position to appropriate all these funds and spend them for charities.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have not the least objection if that will appeal to the House. But it must be said that these were void transactions even now and it should I think be the desire of the Legislature to do everything in their power to stop them.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : In spite of the transactions being void, a large number of people are taking a number of tickets in these chitties and what, in the member's opinion, is the reason for it? Does not the member realise that the chances of loss are small in these chitties than in others ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. Government feel that it is due to the absence of a penal clause.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : In spite of the transaction being declared void by the old Regulation, is it not daily entered into ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, and the reason for that is the absence of a penal clause, That is my diagnosis of the situation. If Mr. Krishna Pillai has any other diagnosis I am prepared to consider it.

MR. A. THANU PILLAI (*Trivandrum*) : Even now, are not large sums of money appropriated by the foremen of these chitties ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I think so.

MR. A. THANU PILLAI (*Trivandrum*) : Under the Bill will not there be an objection to returning the moneys?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He can return the money actually collected but he cannot conduct the chitty.

PRESIDENT : I think we will now proceed to discuss the principles of the Bill.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, the two principles covered by this Bill have to be dealt with separately, because there is very little in common between the two.

So far as the first principle is concerned, Sir, I am inclined to oppose this Bill even though it is stated that it has got the support of the Economic Development Board. Already, there is a provision in the existing Regulation enabling chitty subscribers and foremen to postpone drawings and the payment of the instalments under certain conditions. The only change, so far as I can understand, that is now sought to be introduced is in respect of the conditions under which the postponement can be effected. In the existing Regulation there is a provision that if three-fourths in value of the subscribers of a chitty want to postpone, they can do so by what is called, a special resolution. The change sought to be introduced is to this effect—that this can be done at a

[Mr. A. Thanu Pillai.]

meeting convened for the purpose if two-thirds in number of the subscribers attending the meeting are of that view. To me it appears that this change will lead to very great hardship.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the member aware that there is a similar provision enacted recently in Cochin?

MR. A. THANU PILLAI (*Trivandrum*): There may be a similar provision in Cochin, but that, I do not think, is a sufficient ground to justify our action. Of course, we must examine the provision as it is and see what its effect will be.

Sir, I fully understand that this is a time of great economic distress and all possible measures should be taken to relieve that distress. In the first place we want to give relief only to persons who have joined chitties. Now, in itself, it is doubtful whether that is a justifiable or even a desirable thing to do, so long as we do not prevent other obligations from being enforced. Let us suppose the case of a chitty subscriber who has subscribed up to the 27th instalment in a chitty of thirty instalments. Now, he owes money to another person who has obtained a decree and execution is being taken out against him. He hopes to bid the chitty and take the prize amount in order to pay his debt and he cannot go to a court of law and say 'I am a subscriber of such and such a chitty and payment in that chitty has now been stopped owing to economic distress in the country and so I should not be asked to pay the amount due from me to my creditor.' So we are not going to give relief to all people alike. If such a condition of things were possible, I can understand the justification for this measure. But it is not so. It is only certain gentlemen who have joined the chitty that are going to be benefited. They are to be the men who have already prized the chitty, received the money and utilised it. That is the effect of the measure. So, generally when we say that there is great economic distress, simply to give relief to people who have joined certain chitties, by itself, I think, is objectionable in one view.

No doubt, since the chitties are very much in vogue in Travancore and very many people concern themselves with chitties, something may be done. If we concede that, already the provision is there. The Law Member has not shown us why that provisiou is inadequate. There is the provision that, if three-fourths in value of the subscribers agree, the chitty can be postponed. Why should we change that? That is to say, why not he be satisfied with this provision that if three-forths in value of the subscribers of a chitty will readily agree to the postponement of a chitty we can postpone it. If they are willing, why should we bring down the figure to two-thirds the number of the subscribers present in such a meeting? What is the effect of that change? Sir, it is a well known fact here that in a chitty say of 20 instalments or drawings, very many people take only one-forth of a ticket or half a ticket. There are some people who take even two tickets. For the twenty tickets there may be forty people holding ten tikets and five holding

the remaining ten tickets. So, out of forty-five people one-half, of the value of the entire chitty will be in the hands of five people and the other half in the hands of the remaining forty people. That is a circumstance we cannot ignore. Then what will be the effect of this provision? Well, it is quite dangerous. I am not at all satisfied that this change can be easily accepted unless the Law Member is in a position to convince the House how this is going to be an improvement upon the existing provision and that this will not do any harm or adversely affect the people who have honestly been advancing their money and who wait for bidding the chit till a later drawing. The result of the new provision, if we analyse it further, will be seen to be quite dangerous. Suppose a chitty is started and say two drawings are over. Somehow, the foreman succeeds in getting two-thirds the number of subscribers present at a meeting to agree to the postponement and the chitty is postponed. The foreman receives his money even without deducting any discount. Very often in chitties we find for a fact that many of the subscribers are relations of the foreman and if he wants to have the use of the money collected by him for as long a period as he wants, he can easily get the chitty postponed.

Then again, absolutely no difference is made between people who have prized the tickets and those who have not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's view that even now there is a provision in the Regulation for the postponement of chitties?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case what is the objection to the principle involved in the present measure which also enables the postponement?

MR. A. THANU PILLAI (*Trivandrum*): Further facilities for postponement should not be given. The existing provision is quite enough to meet reasonable situations. That is my view. That is to say, if three-fourths of the value of the subscribers agree, let the chitty be postponed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So, the member is agreeable to the principle of postponement?

MR. A. THANU PILLAI (*Trivandrum*): Yes, but the majority to agree should be three-fourths of the value of subscribers and not two-thirds the number of subscribers present at the meeting. That is all I can now say. Already the principle is there in the existing Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether a doubt is felt as to the power by the Regulation itself for postponement?

MR. A. THANU PILLAI (*Trivandrum*): I admit that the provision does not refer to the postponement specifically, but the chitty *variola* will contain the dates on which the drawings are to take place. There is also a provision that the dates can be postponed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am only asking therefore whether the member is in favour of the principle of postponement of chitties though not as regards the particular volume of the majority of the persons that should agree to the postponement.

MR. A. THANU PILLAI (*Trivandrum*): In my opinion, even the existing Regulation contains a provision allowing postponement of chitties under certain conditions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did not the member say that the Regulation does not refer specifically to the postponement of the chitties?

MR. A. THANU PILLAI (*Trivandrum*): That is why I said that the dates on which the drawings are to take place will be one of the provisions in the *variola.*

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Was that provision made with any reference to the economic distress?

MR. A. THANU PILLAI (*Trivandrum*): That provision has been made with reference to the economic distress generally, but may be without reference to the present economic distress and I know that chitties are being postponed on the basis of the provision that I have referred to, not only now, but that has been the practice even before the present economic distress began.

My contention, Sir, is this. There is no occasion to change the proportion that is fixed in the existing Regulation. That will work a real hardship.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): That is to say, it should have a proportion to the amount of money involved?

MR. A. THANU PILLAI (*Trivandrum*): There also there will be hardship. The amount of money will come under two classes—prized subscribers and non-prized subscribers. Suppose a chitty has progressed half way? Out of twenty drawings, ten drawings are over. Now, if these ten tickets are held in one-fourths and one-halves, there will be sufficient number of subscribers to form about two-thirds, so that the non-prized subscribers will have to put off the drawing. If three-fourths in value feel that a postponement should be resorted to, that can be done. I am of the view that less than that should not be allowed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member be agreeable if "three-fourths" is substituted for "two-thirds"?

MR. A. THANU PILLAI (*Trivandrum*): It must be "three-fourths in value."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, three-fourths in value.

MR. A. THANU PILLAI (*Trivandrum*): I have no objection to accept that. But the provision is already in the existing Regulation and there is no necessity for the change.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is the *principle* then accepted?

MR. A. THANU PILLAI (*Trivandrum*): There is no necessity for the change. I may say that, except on specific grounds, the principle itself cannot be changed. I do not want to go against the expression in the Regulation itself. I do not want the Law Member to substitute the words "three-fourths in value". Still I would be amenable to that course. I do not object to it. But two-thirds is a fraction I strongly object to.

Then in regard to kurichitties, I am at-one with the Law Member. Even though many kurichitties are being conducted and many people have paid money to foremen who want to make large fortunes with practically no work, we must put an end to this nuisance. Whenever we take action, this objection will be brought forward, namely, that people have advanced moneys. If Rs. 20,000 is collected it will be only three or four thousand rupees that will be distributed to the subscribers. The rest of the money, I think, goes to the chitty foreman.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No, there is a stipulation in the variola that every pie that is paid will be returned with interest.

MR A. THANU PILLAI (*Tivandrum*): But there is no provision for enforcing any of these contracts.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is the amount that a subscriber pays ordinarily?

MR. A. THANU PILLAI (*Trivandrum*): Whatever that be, I ask why a man should pay one rupee and make a fortune of 5,000 rupees? People should work in order to earn money.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose the transaction is not made void and it can be enforced by a court of law would the member be satisfied?

MR. A. THANU PILLAI (*Trivandrum*): No. I do not want people to make money for nothing. It is a very bad habit.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What about the Insurance companies?

MR. A. THANU PILLAI (*Trivandrum*): I will speak about the provident insurance companies when I come to that subject. If a person lives till the 60th year then he has to pay. But if he dies his heirs get money. That has nothing to do with this. This is a regular gambling. This is not like that. Here a man pays one rupee and, as a result of chance, he gets Rs. 10,000 for nothing. I am definitely against that

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): For transactions similar to the kurichitties, large sums of money are going out of this State, to Goa and other places. Does the member think that that ought to be prevented?

MR. A. THANU PILLAI (*Trivandrum*): We cannot prevent everything that is objectionable.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I correct the member and say that the Bill proposes to penalise even the man who pays?

MR. A. THANU PILLAI (*Trivandrum*): If that is prohibited by this law probably that will be sufficient.

MR. E. V. KRISHNA PILLAI (*Kottaakara* cum *Kunnattur*); I have one doubt. In regard to the observations made by the Law Member, it is said that anybody who pays any money to any outside institutions similar in kind to the kurichitties will be punished. But here, in Section 53, it is said that transactions declared void by Section 4 of the Travancore Regulation will be punishable. Will a declaration in a Travancore Regulation affect outside transactions?

MR. A. THANU PILLAI (*Trivandrum*): The Law Member will be the best person to answer that. Whether this will affect the kurichitties outside the State is doubtful. Whatever that may be, in regard to the return of the moneys already received and the foreman making large profits and all that, there is nothing to prevent an honest foreman from returning the money he has received.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No, he will be punished if he returns the money.

MR. A. THANU PILLAI (*Trivandrum*): No, that is not how I understand the provisions of the Bill. When a man returns the money it is done in the conduct of the kurichitty. There is no doubt on that score. We must see an end of these transactions. So I strongly support the principle of the Bill so far as that is concerned and oppose the principle so far as the earlier portion is concerned.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, Mr. Thanu Pillai has spoken at length in regard to the first principle contained in the Bill. I wish to make a few observations in regard to the second principle contained in the Bill, namely, the kurichitties. The legal consequence of the provisions sought to be introduced has given rise to many inferences. I utterly fail to understand Mr. Thanu Pillai when he said that a kurichitty foreman will not be liable to punishment if he returns the amounts collected by him after this Regulation comes into force. For, in Section 53, it is said any person who conducts or is responsible for the conduct of the transactions declared void by Section 4 shall be punishable. Section 4 declares such transactions as kurichitties to be void and under this Bill punishment also will be meted out to those who are responsible for the conduct of the kurichitties. My submission is that returning the amount already collected by a foreman after the Regulation comes into force may also form the conduct of a kurichitty. In that light, the foreman, who gave the original undertaking to the subscribers to a kurichitty, when he returns the amount may also be said to be one who conducts the kurichitties as undertaken by him in the original *variola*.

MR. A. THANU PILLAI (*Trivandrum*): May I remind the member that when he returns the money, it will not be in accordance with the provisions of the chitty *variola* but simply a return of the amount for a transaction which has not matured?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Now he has undertaken to return the amounts with interest. So, the moment he thinks of fulfilling the promise and acquitting himself honourably, this law comes and tells him; "Don't do that. You may return the original amount but you should not return the interest that was originally promised by you." My submission is that many respectable people, who, apart from the legal binding of the transactions of the Regulation, inspired by some moral obligation, and by their desire to maintain the reputation of their firms or individual credit, may be very anxious to pay to the last pie the amounts undertaken by them to be paid, will not be able to do so.

MR. A. S. DAMODARAN ASAN: (*Mavelikara* cum *Kartikapalli*): What is there to prevent the amount being paid with interest?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If he returns the amount, he will be punished. That would be the reasonable interpretation put upon the action of a foreman who returns the amount after the Regulation comes into force, because he will be said to be one who returns the amount after the transaction becomes void.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member refer to returning after it is prized or in persuance of the contract?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I am making a distinction between the two. I am answering Mr. Asan's objection. If he returns the original amount, certainly the act is not punishable. But if he agrees to return the original amount as was originally undertaken by him, certainly he will be hauled up before a court of law.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I ask whether he is drawing a distinction between the payment of the prize amount and the return of the amount actually subscribed? I have one question more. Does the member accept the position that it will be permissible to return the amount actually subscribed?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That will be considered when the Bill goes into the Select Committee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member find anything inconsistent with the position that the amount actually subscribed can be returned?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The clause, as it is, does not warrant that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then may I put it to the member that that is due to wrong drafting perhaps?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): My personal impression about the whole thing is that so many kurichitties are springing into existence and so many public activities are coming into existence, that we must have some legal provision by which the whole scheme will not be nipped in the bud but by which the scheme will be made such as not to be detrimental to the public in general.

[Mr. E. V. Krishna Pillai.]

Certainly that will be the wiser course. But if the Law Member asks me to suggest a suitable drafting, I may not be able to do it at once. But we will bestow some thought and see that there is no great public resentment and, if there is very great public resentment, what will be the best remedy to get over the difficulties. There are so many people in the country who have already paid moneys in transactions of the kind.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional H ad Sirkar Vakil*) : If this Bill is not passed, will a man who has paid money be able to sue and recover the money back?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Certainly not. Every Tom, Dick and Harry may come forward with a kurichitty and there is no moral obligation to pay back the money. If there is a moral obligation, anybody will subscribe to it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If this Bill is passed, will that moral obligation be nullified?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : But in order to see that he keeps up the promise he has to engage a vakil and get legal advice as to whether his action is legal or not. It is rather unwise to penalise the whole thing under such summary conditions and therefore I oppose that principle of the Bill.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, as was observed, there are two principles involved in this Bill, one relating to the postponement of the instalment of a chitty and the other relating to kurichitties. The two principles attempted to be established, or formulated under this Bill are opposed to public policy. It is always the attempt of the Legislature to help as far as possible people in the performance of a contract they have entered into. It will be found that in every legislation, except penal legislation, the contracts, entered into between one man and another, have been permitted to subsist or to continue. It is only contracts that come into force after the Regulation is passed that are sought to be penalised. Here the two principles enunciated in this Bill are opposed to this theory. The other day when we were discussing the Provident Insurance Bill we came across an instance in which the Legislature had to accept contracts already entered into. The principle was discussed fully and we unanimously came to the conclusion that contracts already entered into without knowing that legislation will be passed to nullify them should not be interfered with. That is a sound principle which must be accepted. Testing this Bill from that point of view we find that it transgresses it in more ways than one. Under the Chitties Regulation of 1094 there are certain Sections which enable a foreman to postpone a chitty, and these Sections have been formulated after mature consideration and after full discussion of the whole aspect of the case. It is now found that economic depression necessitates a further legislation on this topic, in order that a foreman might be enabled to postpone the collection of chitty money. Under the Regulation passed in 1094, various chitties have been started,

It is not proper that we legislate enabling the foremen or the subscribers to break contracts already entered into on the strength of the Regulation now in force. Section 3, clause 11 of the Chitties Regulation states what a special resolution passed by the subscribers can do in regard to the postponement of a chitty. Section 10 of the Regulation says how such a special resolution shall have the effect of altering the important provisions of the chitty variola. Section 33, clause 6 of the Regulation says:

> "On the failure of the foreman to conduct the chitty at any instalment, or on any other date before the next instalment as may be agreed upon by a special resolution"

the chitty shall be deemed to have terminated. Reading Section 3 clause 11, Section 10 and Section 33, clause 6, it is found that even at the time the present Regulation came into force it was considered that in exceptional cases, in cases of emergency, chitties may have to be postponed; and hence it is we find provision that chitties can be postponed under a special resolution as stated in Section 3, clause 11. But according to that Section the postponement can only be till the next instalment, that is ordinarily for six months, the longest period between one chitty and another.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not the word "instalment" in the provision relate to the instalments provided for in the original variola?

MR. S. KRISHNA PILLAI (*Karunagapalli*): It must be so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the variola is amended in accordance with the provisions now in force, then, I suppose, the expression instalments would mean instalments under the amended variola?

MR. S. KRISHNA PILLAI (*Karunagapalli*): This Regulation stipulates that all particulars shall be contained in the variola. Any other provision is superfluous. But the Regulation itself lays down what facts shall be stated in the variola and the date on which the chitty is to commence, the dates on which subsequent instalments are to be paid and the dates on which the chitty is to terminate; these three are specific and necessary items to be contained in the variola.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not mentioned there like that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): You will find that that is the only possible interpretation. Section 7 says:—

> "The number of tickets, the number of instalments, the date on which the chitty is to begin and the date on which it is to terminate.........."

Therefore the number of tickets, the date on which the chitty is to begin and the date on which it is to terminate have essentially to be mentioned in the chitty variola.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Then, according to my friend, no postponement can be made?

MR. S. KRISHNA PILLAI (*Karunagapalli*): No, not beyond the date of the next instalment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But the variola can be suitably amended by a special resolution.

MR. S. KRISHNA PILLAI (*Karunagapalli*)· According to Section 10, "subject to the provisions of this Regulation and the conditions contained in the variola." these are the two restrictions for the alteration of the variola. Subject to the provisions of this Regulation and the conditions contained in the variola, the variola can be altered by a special resolution. Now, what are the conditions contained in the variola and what are the special provisions contained in the Regulation? You will find that the conditions in the variola are the 11 conditions specified in Section 7?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): None of these can be altered?

MR. S. KRISHNA PILLAI (*Karunagapalli*): No. I may point out, Sir, that the word 'condition' has got a special meaning attached to it in law. Out of these 11 conditions specified in Section 7 there are some which amount to 'conditions' in law. You will find from the law lexicon that in law, the expression 'condition' has got a particular meaning attached to it. In ordinary parlance we use the word in a different sense. The word 'condition' in law has a distinct meaning entirely different from the word as used in common parlance. My own opinion is, as I have already submitted, that the number of tickets, the date on which it is to start and the date on which it is to terminate, these are the *conditions* in the variola.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Then, what is it that can be altered by a special resolution passed by the subscribers?

MR. S. KRISHNA PILLAI (*Karunagapalli*): My submission is that any alteration that can be made by means of a special resolution is only subject to the provisions of this Regulation and the conditions contained in the variola. Of the 11 items mentioned in Section 7 of the Regulation, there are only some which can be considered as conditions in law.

MR. A. THANU PILLAI (*Trivandrum*): Could not the date of the chitty or of an instalment be altered by means of a special resolution?

MR. S. KRISHNA PILLAI (*Karunagapalli*): No. Because Section 7 says that the variola must contain the number of tickets, the date of the commencement of the chitty and the date of the termination. And in Section 33, it is stated that "the chitty shall be deemed to have collapsed on the failure of the foreman on any instalment..............or on any other date before the next instalment as agreed to by means of a special resolution.........." The provision in the Regulation is that by means of a special resolution any instalment may be postponed to a date not later than the date of the next instalment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's position that because Section 33 (6) says or implies that an instalment cannot be postponed to a date later

than the date of the next instalment, it must be taken that that provision means that even by means of a special resolution it is not possible to postpone the chitty beyond the date of the next instalment.

MR. S. KRISHNA PILLAI (*Karunagapalli*): That exactly is my opinion. Therefore under the present Regulation the chitty can ordinarily be postponed for six months.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Why six months?

MR. S. KRISHNA PILLAI (*Karunagapalli*). I am referring to ordinary chitties in which we have two instalments in the year. There may be chitties which may have 3 or 4 instalments in the year. The longest period for the postponement under the present Regulation is possibly six months.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); Is it my friend's opinion that since postponement beyond the date of the next instalment is not possible, all chitties must now be wound up?

MR. S. KRISHNA PILLAI (*Karunagapalli*): All chitties must, if you think it necessary, be declared to have collapsed and must be wound up. This is my firm conviction.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Apart from his interpretation of the provision under the Regulation now in force, may I know the opinion that he has been able to gather from his experience as a leading member of the Bar?

MR. S. KRISHNA PILLAI (*Karunagapalli*): My experience as a member of the Bar is that, as the law stands at present, there is absolutely no means of actually checking whether the foreman really conducts the chitties on proper lines and in accordance with law. Although there is provision that he has to submit a statement periodically to the District Registrar in regard to the conduct of his chitty, as it stands, to check whether the statements made by the foreman are true, all that the foreman need do under the Regulation is simply to make a statement that he has done everything as per the Regulation and the chitty variola. It is only if the matter is brought up before a criminal court and if the subscriber is persistent and vigilant enough to seek redress through a criminal court, with considerable difficulty, you are able to expose in very rare cases the irregularities of the foreman. So, as a practising lawyer, I am not very much satisfied with even those provisions under Section 33 of the Regulation. So far as the non-prized subscribers are concerned, they have to pay their dues regularly and if they make any delay, immediately comes the notice from the foreman that he will be removed from the rolls of subscribers. On the other hand, if they have reasons to suspect that the foreman is not conducting the chitty properly and if they turn round and want the foreman to satisfy them, they are not in a position to do it unless they persistently pursue the matter and seek redress through a court of law which in most cases takes not less than 3 or 4 years and even 8 or 10 years when it has to go to the High Court,

[Mr. S. Krishna Pillai.]

so that by that time the chitties would have themselves terminated. So, the position of the non-prized subscriber under the present Regulation is not at all enviable. I for myself should say that the present Regulation contains various provisions inaccurately drawn up and inartistically worded with loop-holes to the foreman to evade the intentions of those provisions. Therefore if the Government really propose to bring in any amendment to this Regulation, the whole Regulation has to be revised and proper provisions substituted for those now in force so that the law on the subject may work on healthy lines and on the lines on which they were originally intended to work.

So far as the Bill now before the House is concerned, it states that the foreman shall have power to postpone chitty for one year from the date on which the Regulation comes into force and after that the Government may fix such period of postponement as they like. That I submit is taking away the right of the subscribers who really are the parties who have entered into contract with the foremen. As I have already submitted, even under the present Regulation, if all the subscribers are willing, the chitty need not be conducted and the foreman is entitled to postpone the chitty till the date of the next instalment. What does the Bill before the House seek to provide. After making the subscribers wait for six months, the foreman gets the power to postpone the chitty for one more year and then the Government may paralyse it as it were for such further time as they think fit from the date on which this Bill becomes law. Sir, how long are the non-prized subscribers to be kept out of their legitimate dues?

The learned Law Member referred to the Report of the Economic Depression Enquiry Committee. That Committee say at pages 124 and 125 of the Report that they discussed all aspects of the case and they did not formally make any definite recommendation about it. I would point out the various difficulties and hardships of the subscribers and would therefore suggest the undesirability of postponing the chitties. Sir, if chitties are to be postponed in favour of the prized subscribers and in favour of the foreman, what do the Government say in regard to the execution of the decrees now pending before the civil courts. Are not the debtors entitled to as much indulgence as the subscribers who have already received their chitty money? Is it not fair that when one set of people are protected the others also are afforded the same kind of protection and not left in the lurch? Why should it not be provided that all money decrees now pending execution in the civil courts should also be stayed at least for one year? If the Government were to say that I should come forward and say that the Government must suspend the payment of kist. Why are they so very particular of squeezing out the taxes from the people when they are not able to pay? Government cannot in fairness come and say "pay us whatever you have agreed to pay"; but in regard to chitties already bid, you need not pay till you find it convenient to pay. If we accept a principle, we must extend it to all cases in which the circumstances do not differ.

The provision in the present Bill is, therefore, obnoxious, particularly because it seeks to violate the important provision of contracts already entered into, contracts which are being performed by the people. Certainly, the legislature cannot make any distinction in favour of some of the subscribers and the foreman. The principle involved in the Bill is, therefore, I submit, not acceptable at all.

In regard to kurichitties also, I have strong objections to the provisions contained in the Bill. The Law Member says that every kurichitty started or conducted shall be penalised. The Law Member very well knows, Sir, that there are hundreds of kurichitties which have been started and which are now being conducted in Travancore. These kurichitties were started and pushed through because the courts of law in Travancore, by their pronouncements, offer inducements both to the foremen and to the public to enter into such transactions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did the foreman count also upon the fact that he could not be compelled in any court of law to pay?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Why should we attribute motives unnecessarily? Why not we take it that these honest gentlemen have started the chitties with the best of motives? Even if in particular cases, owing to unbusinesslike dealings and to unscientific working a foreman is not in a position to fulfil his promise, I submit that is no justification for attributing any bad motive to him. We may condemn the institution. After all, on a promise made with apparently very good intentions to repay 5 or 10 thousand rupees for the 4 or 8 annas that you pay, if, on account of unbusiness like dealings or the unscientific nature of the chitty, a foreman is not able entirely to fulfil his promise, I do not think there would be any among the subscribers who would really long for any enactment to enable him to enforce his right for his paltry sum of 8 annas through a court of law.

MR. K. GEORGE (*Chief Secretary to Government*): Is it not just this circumstance that the foremen count upon for their trade?

MR. S. KRISHNA PILLAI (*Karunagapalli*): My only submission is that the foreman does not count on this alone. We have also to take into account the nature of the transaction, and the tremendous possibility for every subscriber to win, some day or other, thousands of rupees for just the 4 or 8 as. that he has paid. It is very uncharitable to attribute bad motives to the foreman when the law always presumes every one to be honest.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Is it the member's view that if the proposed enactment comes into force, people who subscribe to lotteries conducted outside Travancore would be liable to punishment?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am coming to that. What I want to emphasise in this connection is that no legislation should

[Mr. S. Krishna Pillai.]

be enacted which interferes with the kuri-chitties already started and the rights of the foremen and the subscribers who have already taken part in them.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What are the rights of the subscribers, please?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : To get thousands of rupees for a few annas they have paid.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is it a right worth the name when it cannot be enforced through a court of law?

MR. S. KRISHNA PILLAI (*Karunagapalli*): There is certainly a chance for every subscriber to get his own 4 or 5 thousand rupees some time or other for the 4 or 8 as. that he has paid. Why should the law now interfere and make it absolutely impossible for the subscriber to get his expectation fulfilled? Subscriptions have been paid with the full hope that each subscriber will get his own chance of winning 4 or 5 thousand rupees some time or other. Why should the legislature step in and definitely defeat the expectations of the subscribers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Has not the subscriber now to count upon merely the *moral* obligation on the part of the foreman, to pay the prize? Is there any legal obligation enforceable in a court of law?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : As I have already submitted, Sir, why should we start with the presumption that everybody in Travancore is dishonest and would care to keep promises only when the law compels the keeping of promises, when the law always presumes that every human being is honest? After all, it is only a paltry sum of 4 or 8 as. that each subscriber has paid.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Are not the subscriptions to all lotteries such paltry sums?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I shall take a specific illustration. Sir, let us take it, that a very respectable gentleman has now started a kuri-chitty and has collected money from tens of thousands of subscribers who have complete confidence in the foreman and who have full hopes of winning the prize some day or other. Are we justified in enacting a measure which would either compel the foreman to take for himself, against his will, all the money subscribed, or to repay individually, to all the subscribers, all the money collected which would mean terrible expenditure and loss to the foreman who would have already spent terribly for advertisement of his chitty and for the registering of subscribers and collection of money from thousands of people?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will my friend be satisfied if a provision is made that the foreman, who willingly repays all subscriptions paid to him, will not be punished?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Certainly not, because that would mean great loss to the foreman who would have already spent a big sum on the chitty and serious disappointment to the subscribers who do hope to win prizes. On the other hand, I am for enacting a measure which lays down "Hereafter no kuri-chitty shall be started."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did not the foreman know, when they started these chitties that all such transactions are void?

MR. S. KRISHNA PILLAI (*Karunagapalli*): There are, in practice several honest transactions which do take place though they may be void in law. If honest men have entered into contracts knowing that they are void, why should the legislature interfere? There is certainly no harm in making provisions with regard to kuri-chitties.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What does this honesty consist in?

MR. S. KRISHNA PILLAI (*Karunagapalli*): In fulfilling the promise made.

MR. A. THANU PILLAI (*Trivandrum*): Is it the member's opinion that transactions not recognised by law should be encouraged?

MR. S. KRISHNA PILLAI (*Karunagapalli*): No, they ought to be discouraged, but transactions which are not now illegal, which have not been rendered penal by the law now in force, should not be rendered so now by means of special legislation. The Chitties Regulation has rendered these transactions *void*, but not *illegal*. That Regulation does not penalise these transactions. Perhaps, it was thought, at the time the Chitties Regulation was enacted that such kurichitties would come under the provision in the Penal Code dealing with lotteries; but our High Court has ruled that they do not. It is in these circumstances that honest men, who command the confidence of the public, have started these kuri-chitties. I can understand an enactment which renders future kuri-chitties unlawful.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did I hear the member to say that, when the Chitties Regulation was enacted, the legislature contemplated these kuri-chitties as lotteries and intended that they would come under the provision in the Penal Code against lotteries?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not know whether that question was specifically raised and considered by the Council when the Chitties Regulation was passed. Anyhow, it is clear that these kuri-chitties have been started because the law has not rendered them unlawful or declared the promoters thereof punishable. In the majority of cases these are being conducted on strictly business like lines; and I do not think there are many people who have any serious complaint to make.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are, any way, void under the Chitties Regulation.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : They may be void to the extent of the 4 or 8 as. that the subscribers might have paid.

MR. A. THANU PILLAI (*Trivandrum*) : Are they not void also to the extent of the *five thousand rupees* that thousands of subscribers have been promised ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That is exactly my difficulty now. When people reasonably hope to get Rs. 5,000 for the few annas they have paid, why should the legislature interfere and defeat their expectations ? It is highly obnoxious and also detrimental to the honesty and fair name of the good foreman who, in spite of his willingness to pay the prizes, is now proposed not to be allowed to do so.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is there anything to prevent any honest foreman from giving the prizes to the subscribers as *presents* if he really wants to do it ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Why should we compel the foreman to resort to such subterfuges ? How can he fix the order in which the prizes are to be distributed unless he draws lots ? That would mean he would have to continue to conduct the kuri-chitty, always standing in danger of being arrested by the Police Inspector for that and put into trouble.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is there anything to prevent the honest foreman from repaying money which he is under a moral obligation to pay ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Which is the money that he is under a moral obligation to pay ?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Rs. 5,000, according to my friend.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : There is serious difficulty in doing that as I have already pointed out. How can he do it without actually conducting the chitty and drawing lots ? The payment of prizes always implies and involves the drawing of lots. Why should the foreman stand the risk of a prosecution for trying to fulfil his promise solemnly made ?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is there anything to prevent the foreman from parting with his money?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Exactly, that is my point. How can he pay the prize as *money due* unless he actually conducts the kuri-chitty and draws lots ?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : The money cannot be said to be *money due* if it is a void transaction.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That is a position which I am not able to accept.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : At the time the Chitties Regulation of 1094 was enacted, was it contemplated by the legislature that such transactions should be allowed to be started ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : The legislature intended that such transactions may be started and that the court should not lend them their support.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is it the member's point that the legislature intended that such transactions may be started ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : There was the possibility of such transactions being started. If the legislature was very serious about these transactions they would have penalised them instead of merely making them void. They have not done that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Even if these transactions had been penalised, what is there to prevent their being started ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : The foremen would then be prosecuted and convicted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is all ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : No respectable man will risk a conviction.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So, it is the fear of punishment that makes these respectable gentlemen respectable ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I dare say the Law Member knows the large amount of difference between transactions rendered void, and transactions rendered punishable. I am not going to explain that now.

My friend Mr. E. V. Krishna Pillai asked me a question, and an answer is due to him. He asked me whether any person taking a ticket in a kuri-chitty started outside Travancore would be punishable under the proposed enactment. I discussed the question informally with the Law member ; and he said that the criminal law of Travancore was *personal* in its nature and that the law here extended to everyone *belonging* to Travancore, wherever the offence might have been committed, whether it was in Madras or in London.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I question that statement, Sir, the statement that I gave—that opinion on the matter .....

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That was what I gathered from him in a private conversation with him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not a correct rendering of what I said.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That was how I understood him.

MR. A. THANU PILLAI (*Trivandrum*) : What would be the maximum loss of individual subscribers to these kuri-chitties ?

MR. S. KRISHHA PILLAI (*Karunagaplli*): From *four* to *eight* annas; and the foreman would be gainer to the extent of several thousands of rupees. The subscribers also lose the possibility of getting Rs. 10,000.

And then, Sir, I have my own doubts as to whether the proposed measure has been set up by interested foremen or whether it is really intended to protect the innocent people in Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps for the benefit of those intelligent men who know the law.

MR. S. KRISHNA PILLAI (*Karunagapalli*): As I have already submitted, Sir, if the proposed measure is enacted, it would prevent even willing foremen from parting with their money. That is precisely in favour of the foremen.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether ordinarily, it is not men in embarrassed circumstances that start these kuri-chitties?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not think any such motive can be attributed.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is not the member for discouraging such kuri-chitties being started in future?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I *am* for that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So that there may not be further competition in the field?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Why should we interfere with contracts that have already been entered into and compel the foremen to appropriate for themselves even against their will, the money they have already collected? Since, it is not the object of this Bill to protect the foremen, I stoutly oppose it. Further, so far as the subscribers are concerned, they do not stand in great need of any protection since their loss, on account of the contracts being void, would come only to 4 or 8 as. And, since they stand to lose the chance of winning 5 or 10 thousand rupees in all cases, I submit, it is not fair that the law interferes with such transactions already started. I am certainly not in favour of any legislation which would render the forman unable to pay the money he has promised to pay and is willing to repay.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it impossible to make suitable amendments to save transactions already entered into?

MR. S. KRISHNA PILLAI (*Karunagapalli*): We are now discussing the principle of the Bill, and I am against the principle of the Bill in so far as it seeks to affect transactions already entered into. It is only after the principle is accepted by the Council, that amendments in the Select Committee or here would arise. I submit, that, considering the principle involved in the Bill, it should not form part of our Statute Book.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, I wish to make two observations. We notice that the Bill contains two important points to be decided, one relating to postponement of instalments in ordinary chitties and the other relating to penalising of kuri-chitties. As the Law Member stated, he has come forward with this Bill as a result of the recommendations made by the Economic Development Board. I know as a matter of fact that there were representations made to Government, by means of deputations waiting on the Government, which said that some remedial measures should be adopted for relieving the distress of the people on account of the prevailing economic depression in the country. What the people resorting to chitties wanted was that the Government should interfere by strong measures to suspend the chitties altogether for a time. It was found by Government that a thorough suspension would entail difficulties throughout. As suggested by the Economic Development Board it was found reasonable to make it easy for the foreman and the subscribers to postpone the chitty according as the circumstances admit. The Development Board as Mr. Krishna Pillai pointed out, discussed the matter in detail considering the grounds both for and against the suspension of the chitty and they came to the positive conclusion that the Government should interfere and allow people to suspend chitties for a time at least. When there is such a positive recommendation by a responsible committee and when we also find that a large number of citizens in Travancore are affected by chitty transactions and when a large portion of revenue of each citizen is given out as subscriptions to the chitty, the Government thought that some remedial measure should be adopted by them so that people will not be put to any difficulty. We have often noticed such difficulties arising in a matter of this kind. We are here starving in the midst of plenty. The nature of the present depression is not that we are lacking in raw materials or the supply of our raw products, but, we find ourselves wanting in sufficient amount of money to carry on our transactions. Chitty is a matter which consumes almost the whole of a citizen's earnings. In Travancore, there are about 10,000 chitties that are registered. I remember that, in an answer to an interpellation by me, Government have stated that Rs. 76 per head is being subscribed for a chitty every year. From the answer to my interpellation of to-day, we find there are a number of suits relating to chitties and those also involve large amounts of money. About one-eighth of the total number of suits now pending in our courts, *i. e.*, out of 25,341 suits relating to other matters, we find 3,519 suits refer to chitties and more than 16 lakhs of rupees are involved in these chitty suits. 2,210 plaintiffs out of all these suits are the foremen and the number of subscribers as plaintiffs comes to 1309. This is the real state of affairs as regards chitty transactions in Travancore. Under the circumstances, for the general public well-being, Government will only be doing justice when they interfere to relieve the distress of the chitty people. My doubt is whether the present Regulation will relieve, to any considerable extent, the distress that is being undergone. What the

[Mr. K. P. Abraham.]
people wanted was a summary interference by the Government. But it was answered that there was no provision of law by which the Government could interfere in chitty transactions. If at all they do so, it could only be by declaring a general moratorium or something like that. Anyhow, as a temporary measure, now, the Government have thought it fit to introduce at least this measure and this House wil not be justified if they do not welcome this measure.

The next question to be examined is whether the present Bill is an improvement upon the existing Regulation. It is a matter to be considered whether the present Regulation enables the chitty foreman and subscribers to postpone chitty transactions for an instalment or for a definite period. If we concede that the present Regulation permits by some special resolution the adjournment of instalments, then, I think, the Bill introduced now is only by way of explaining the present provisions of the existing Regulation. In that sense it is no advancement. If we think that the present Regulation does not enable the foreman and the subscribers by any means to adjourn instalments, then it is necessary that some provision must be made in that direction. Mr. S. Krishna Pillai pointed out that the present Section 33, clause (6) enables the foreman and the subscribers to postpone the chitty only till the next instalment and not further. I agree with him, and say that this interpretation is correct. If that be the case, it is all the more necessary why there should be a Bill on the lines now introduced. There again, in the Bill, we find that the chitties could be postponed only for one year unless the Government make provision otherwise. Even that provision is not sufficient. That is my opinion. When the subscribers and the foreman, by mutual agreement, think, that they could postpone instalments for a further period, I do not think it is proper for the Government to say that they should not do so, but that they can only postpone the instalment for one year at the most. The foreman and subscribers are the persons who are the best judges to say whether their circumstances permit them to conduct the chitty on a particular day or on a subsequent day.

As regards the postponement of instalments, as provided for by the Bill, I accept the principle. I only think that the period prescribed is too short. As for the first part of the Bill relating to the postponement of the instalments I support the principle of the Bill.

As regards the second matter relating to kuri-chitties, the present provision penalises the future conducting of kuri-chitties; that would mean even the existing kuri-chitty cannot be run hereafter. That would be a positive advantage to the foreman, for, even though we may say that a good many people may pay back the money which has been collected, it is not practical philosophy to expect the foreman who is exempted under law from giving out the money which he has received, to pay it back of his own accord. It is not good to say perhaps that hereafter people partaking in kuri-chitties would be punished. But we will have to provide that the subscribers who have already paid to kuri-chitties will be given back the amounts

which they have already subscribed. Unless such a provision is also made in the Bill, this Bill will work very great hardship on the subscribers in general. Therefore, as regards the second part, I give only a qualified support. I accept the principle in so far as it penalises the future conduct of chitties; but at the same time, it must be provided that the foreman of the kuri-chitties should pay back the money he has already realised as subscriptions from the people who have subscribed before the new law comes into force.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is repaying what has actually been paid?

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the member tables such an amendment, then it may be considered.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): That is my opinion. If I am allowed to bring up an amendment like that, certainly I shall do so.

MR. M. GOVINDAN (*Nominated*): I am sorry, I have to oppose the principle of the Bill, although supported by such an influential body as the Development Board and sponsored by the Law Member. The Bill ignores the convenience of one set of subscribers and supports only the other set. That there is financial depression in the country cannot be denied. But the relief that the Government propose to give should be such as not to work hardship on any class of persons. In every chitty, there will be prized subscribers and some unprized subscribers. Now, the prized subscribers are in the position of debtors to the scheme and the unprized subscribers are the creditors. The unprized subscribers by their frugal ways invested certain sums with the foreman in the scheme with a view to meet their necessities and when such necessities arise to bid their ticket and receive the prize. If two-thirds of the number of members present, who may all be prized subscribers, resolve that the chitty need not be conducted next time, the persons who hope to bid the money will be put to difficulty. That is a very hard state of affairs. The non-prized subscriber wants that the chitty should be conducted regularly according to the contract. It is the interest of the prized subscriber not to pay the money and the Legislature would be helping the prized subscriber at the cost of the non-prized subscriber.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Is not the prized subscriber made to pay with interest at the end?

MR. M. GOVINDAN (*Nominated*): The point I have to emphasise is quite different.

When this Bill appeared in its first form, that feature was not present. If I am permitted to say what transpired in private conversation amongst us, we definitely stated that we would object to the Bill when it appears in that form. Then a little modification was made by the introduction of the six per cent. interest to be paid to the non-prized subscriber as a a sort of solatio. I do not think that it is fair for anybody to coerce a man to invest money at interest when he wants

[Mr. M. Govindan.]
the capital for himself. The indirect result of this will be to ask the non-prized subscriber who is a creditor to pay it and receive interest at six per cent. when as a fact, *usually*, the rate of interest in the country is twelve per cent. So, as between the prized subscriber and the non-prized subscriber if the Government interfere to help at all, it is the non-prized subscriber that has to be helped and not the prized man. Without such a thing, this Bill will be a handicap and prevent the real man from getting the fruits in times of need. It is therefore a very hard measure so far as the chitty is concerned.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Is there any assurance of the exact date when a non-prized subscriber will get the money ?

MR. M. GOVINDAN (*Nominated*) : They can bid in auction.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*) : But do they always succeed in that ?

MR. M. GOVINDAN (*Nominated*) : If there is rivalry among the subscribers, the highest bidder will win. If a man is bent on taking the prize, he can take it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In that case, will it not be a loss to the subscriber if he resorts to such a course ?

MR. M. GOVINDAN (*Nominated*) : If a man is voluntarily going in to bid at a loss to meet some emergency, you cannot say that it is not proper. And in that view, you cannot say that it is a loss for him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Can the subscriber be sure of his prize at the bidding ?

MR. M. GOVINDAN (*Nominated*) : Provided he is prepared to go sufficiently high in the matter of bidding, he can be sure of bidding the lot.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Once he becomes a prized winner, what is the corresponding position, may I know ?

MR. M. GOVINDAN (*Nominated*) : That is a different point altogether.

I have to tell him one thing. When this measure was passed some two years ago, it was a time when we had acute financial depression.

MR. K, P. ABARAHAM (*Muvattupuzha* cum *Todupuzha*) : Are conditions better now ?

MR. M. GOVINDAN (*Nominated*): We have by habit accustomed ourselves to the conditinos of to-day. There is a degree of adjustment between our financial needs and our income and we are not feeling the acuteness to a great extent and not that there is no depression now. Because the Bill has been introduced at this late stage when the necessity has decreased is another reason why we should not accept the principle of the Bill. As for the question whether the amount can be realised I can assure the members that many of us are getting money from chitty foremen. Only such of those who have not bid the chitty are in the unfortunate position of relying upon the foreman to pay the money when they choose to bid.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's experience that a considerable portion of the prize winners are really getting their prize amount?

MR. M. GOVINDAN (*Nominated*): That depends upon the foreman. There are many chitty foremen who are conducting their chitties regularly. But there are also many who are not doing so. In such a case for the sake of persons who are not conducting chitties regularly, should we pass a piece of legislation which would prejudicially affect, roughly speaking, one half of the total number of subscribers. I take it that 50 per cent. of subscribers will be non-prized while the other 50 per cent will be prized. In such a case the attitude of the Legislature should be one of neutrality. In the existing law although the expression 'postponement' does not find a place, there is some provision for adjournment. If that is so where is the necessity for further facilitating postponement? "Three-fourths of the value" is the expression used in the Section which is already in the Statute Book. Now, my contention is that even that is hard. "Three-fourths of the value" may mean three-fourths of the prized value or the non-prized value. My own impression is that, if it requires any amendment at all, the amendment should be such as to make it clear that three-fourths of the value means three-fourths of the value of tickets of the non-prized subscribers. (*Hear, hear*) That would be fair and not three-fourths of the whole value. But that is another matter. That is an amendment to the existing Regulation in the opposite direction. I strongly object to the acceptance of the principle of the Bill so far as affording further opportunities is concerned. I thought, the Law Member while putting a question to Mr. Thanu Pillai, wanted to elicit the fact that he accepted the principle because there was already the principle in the Statute. I submit that is not the correct suggestion because the principle of this amendment is for affording further facilities for postponement. It is open to this House to accept or not to accept the principle of affording such facilities so far as chitties are concerned.

Now, with regard to the kuri-chitties, my friend Mr. S. Krishna Pillai has definitely placed before the House the hardships of a man from the point of view of honour. He returns the money although his obligation is not one recognized by Courts of Law. Why should this House pass a piece of legislation which would prevent an honourable man from paying off the money in which there is only a moral obligation. When a man is under a moral obligation to do a thing although the law does not enforce it, he should have the opportunities to do so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If a man collects money from the general public knowing full well that he has no obligation to pay, is he an honourable man?

MR. M. GOVINDAN (*Nominated*): The coercive processes are not better than his sense of honour.

MR. A. THANU PILLAI (*Trivandrum*): Are not such people trading upon the ignorance of the poor?

MR. M. GOVINDAN (*Nominated*) : If that is not enforceable and not otherwise. So, my own impression is that this is a needless provision intended chiefly to safe-guard the interests of the capitalists as pointed out by Mr. Krishna Pillai and as such this House should not lend its support to it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, I also rise to oppose the principle of the Bill. Firstly with regard to the chitties, the principle of the Bill, as the Law Member suggested, is whether, postponement of chitties should be delayed or not. It has been made clear that the principle of postponement under certain conditions is permissible. The only question is whether the postponement of a chitty can be effected on two-thirds of the number of members agreeing to the postponement. I think that the condition laid down is that if two-thirds of the number of members, whether they be prized or non-prized subscribers whatever may be the value of their shares, agree the chitty may be postponed. The question is not whether the chitty should be postponed on account of the acute economic depression prevailing. There is scarcity of money. Everybody would like not to pay their dues if they could avoid paying it. That may be granted. But the question that the House has to consider is whether facilities should be given to people who do not want to pay. In the matter of chitty alone it may not be correct. From my experience of chitty foremen in general I know that they are not in favour of this additional facility being given to them for postponement of chitties. They say that there will be lot of difficulties if the chitties are postponed as they get out of touch with subscribers. There will be difficulty in getting them together and carrying on the business. Anticipating that very difficulty some people are pushing forth their business even in the teeth of economic depression. When Mr. Govindan suggested that we have reached a certain amount of adjustment, I think it was not appreciated in some quarters. We have been able to cope with this adversity that we have been experiencing and we are not feeling the acuteness of this economic depression so much as when it came first. We find that the price of cocoanut has slowly arisen. Even granting that nothing has intervened in the midst to improve matters we have been putting up with the greatest difficult times. Anybody will understand the psychology why we are now able to put up with the conditions better than when the economic depression first set in.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): As regards paddy, has the price gone up?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not refer to that at all. Whether the price of paddy comes up or not it does not affect the price of cocoanut.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*) : May I know whether the price of paddy also has risen?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : When I said that the price of cocoanut has gone up, it does not mean that the price of paddy also has arisen.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The member referred to the stress of the economic depression in relation to the rise in price of cocoanut.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Cocoanut and cocoanut alone and not paddy.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I want to know from the member whether the price of paddy has risen in the country, it being also an aspect of the economic conditions now prevailing?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): We are not at the question of considering the relative value of paddy and cocoanut. We are at the question as to how the general economic position is at present. With regard to the price of paddy it may have gone down. The price of cocoanut has gone up a little.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The member has not understood my question. May I know from the member...... ...

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Without answering the member's first question, how could I answer his second question. I am not going to listen to his next question.

PRESIDENT: I think it is all irrelevant. You may continue your speech Mr. Kunjukrishna Pillai.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I will very well agree with my friend if he says that chitties ought to be postponed on the opinion of two-thirds of the non-prized subscribers. That is the protection that ought to be given. If there is a real situation for the non-prized subscribers to apprehend that, on account of the general economic depression, they may not be able to realise the money from the foreman when they bid the chitties, two-thirds of them may decide that the chitty may be postponed. The chitty must be postponed only on the decision of two-thirds of the non-prized subscribers. I am agreeable to that. What is really wanted at present is to go a step further with regard to the restriction in the matter of postponement of chitties that exist at present. That will be by making it possible for the chitty foreman to postpone the chitty only on the agreement of two-thirds of the non-prized subscribers of the chitty. If that is the object of the amendment, then substantially the principle of the Bill will be changed. So I oppose the principle contained in the amendment and I would be very glad to support if such an amendment is incorporated in the Bill.

Then with regard to the kurri-chitties, I want to refer to the principle. I do not want to go into the details at all. It must be admitted by all that there are a lot of kurri-chitties run in this country without adequate security to fulfil the promises that were made at the time of collecting the subscriptions. That is a point that must be admitted. It has also to be admitted that it is not in the general interest of the poor people who pay these small amounts to allow such transactions to go on like this any further. But to legislate that no

[Mr. K. Kunjukrishna Pillai.]

amount should be disbursed is not proper. These poor people have scraped this money in the hope that they may possibly get prizes and prosper themselves by investing them.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Who says that this money cannot be paid back? You began by saying 'to say' and so on. I ask who is it that says that?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Says what?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The member began by saying to say that. I ask who says that?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not understand the question. I shall explain later on. I said that it will not be possible for the poor people to realise the money they have already subscribed to these chitties. This is made punishable. If you make it penal to ask for this money there is absolutely no hope of getting this money back.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it proposed any where to punish the repayment of the amount actually given?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Yes, if the repayment comes in the course of the conduct of the chitty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The chitty may be stopped to-day or it may be granted that it may be allowed to run for 20 years. Is there anything to prohibit the subscribers claiming back the amount that they actually paid till *this* day?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): They cannot ask for it because there is the condition that they can claim the money only at the end. They cannot violate that contract. They have to depend upon the sweet will of the foreman. I say that by this legislation we are preventing the possibility of getting the money.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Where is it stated?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): The man pays his money in pursuance of the contract which subsists between him and the foreman under the kuri-chitty rules. There is great difficulty in regard to that. No foreman will be able to pay back the whole amount. He would have spent a large sum of money in collecting this amount. Possibly to pay all will be impossible.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is there anything in the Bill to say that that cannot be done?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): If this Bill becomes law, it may not be possible for the foreman to pay back the money collected even if he wishes to do so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is to say, the foreman will not be able to act according to the law. But it cannot be said that he will not be able to pay back at his sweet will and pleasure?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not say that the foreman will not be able to pay if he likes. But no foreman will be able to pay because he would have invested consiberable sums of money for the conduct of the chitty and it would not be possible for them to pay the amount subscribed even if they are willing.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Unless they are allowed to go on with the Kuri-chitties?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): In other words, the chitties that subsist now should not be interfered with, or else Government ought to have been careful even in the beginning not to allow such transactions. It is not yesterday that these began. Government ought to have been alert and ought to have brought forward a Bill before such chitties were started and before large amounts were collected. If Government had made a law then, many people would not have subscribed. But at the fag end Government are coming with a Bill. This loss which they have now to sustain cannot be rectified even by an iota by means of this Bill. Who will answer for that loss? There is only the remote possibility of some people getting the amount from foremen who may be honest.

MR. A. THANU PILLAI (*Trivandrum*): After all, what is the amount that the subscribers have paid?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) I do not know. I know there are premium bonds at Rs. 10 each. Large sums of money have been collected like that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) On the average what will be the loss for each citizen?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It should not be understood that one man has taken only one ticket. I know of people who have invested from Rs. 200 to Rs. 500.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is why I ask what the average will be?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I cannot say. It is not the case that all people have taken only one 8 annas ticket. They may have taken serveral tickets in different Kuri-chitties.

MR. M. GOVINDAN (*Nominated*): Is the amount of loss which each subscriber may incur, however great or small, to be a consideration in this matter?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*). That ought not to be the prime consideration. The prime consideration ought to be the sum total of the loss to be sustained. I think it will be quite enough if the legislation provides for making the further running of the kuri-chitties punishable. If speculation is not allowed it will be a very puritanic law. Mr. Thanu Pillai does not want a man to pay one rupee and get Rs. 5,000. That may be an ecclesiastic view, but the world does not recognise it. Neither this Government, nor any other Government, approve that. Even in the distribution of wealth, by God, there is no hard and fast rule,

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Then, why not allow a foreman to become a capitalist out of the magnanimity of other people who pay?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : There are also other methods of getting rich. Why not rob and get rich?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : This is not robbing.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : This is gambling. Are the Government of India preventing people from taking tickets in race courses? Why should the people be encouraged to do that?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Is the Government of India the wisest Government in the world?

PRESIDENT I think we are straying away from the point. What more time will you take, Mr. Kunjukrishna Pillai?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I will take a little more time. I will try to close, or I will continue after lunch.

MR. A. THANU PILLAI (*Trivandrum*) : Before we adjourn, I wish to place before you the general wish on this side of the House that the adjournment motion may be allowed to be discussed day after tomorrow, because important issues have to be discussed and we have not come prepared.

PRESIDENT : We have got other important business for the day after tomorrow. So this has to be taken up to-day and that I think is the rule too.

The Council adjourned for lunch at 1-58 P. M. and re-assembled at 3 P. M., with the Deputy President in the chair.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, it is not possible to avoid the idea of speculation. Having regard to the fact that Government have not taken sufficiently early steps to prevent kuri-chitties, those who have already entered into transactions with kuri-chitty foremen should be given a chance of trying and getting whatever they could get, because even this legislation could not help those who have already contributed money. They are completely at the mercy of foremen. I can very well understand Government bringing a Regulation to prevent the running of future kuri-chitties or running them under certain conditions. I think for beneficial purposes such kuri-chitties can be justified for the collection of money. I would go even to that extent. But the only reason advanced against this is that it may not be valid. Government may demand sufficient securities from such men so that the promises held forth to the public may be fulfilled and to regulate the conduct of the kuri-chitties. They may make provisions in the Statute. That can be understood. I do not think there is anything inherently immoral in the word "kuri-chitty". Even in the case of the Provident Insurance Companies, we find that though every expert admits that these are unsound in principle and that they are not likely to fulfil the expectation created in the minds of the public. We make some patch-work to regulate such transactions. They have already collected money; so they are trying to minimise the evils as much as

possible. In the same way, in the matter of kuri-chitties, a special Regulation to regulate the conduct of these chitties may be passed. For very beneficient purposes such collection would be the only feasible way of raising money. I think the Government should be inclined to view it in a constructive spirit and not in such a destructive spirit as is seen in this Bill. Therefore, my view is that people who have already contributed, and who have got an off chance of getting back their money already subscribed, should not be prohibited or the transactions subsisting at the moment should not be penalised.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know what exactly is the definite promise of a kuri-chitty foreman so far as is known to the member and how it could be fulfilled?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I am at a loss to understand which particular foreman the member is referring to?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Any kuri-chitty foreman.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not understand the curiosity of the member to know this.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The member was observing that a Regulation may be enacted so that the promises made by the foremen may be fulfilled I ask this question with reference to the kuri-chitties now prevalent in the country: on what basis they could be expected to fulfill their promise.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I shall answer the question. The promise made by the various kuri-chitty foremen may be fulfilled if a Regulation to regulate the promises held forth by the various kuri-chitty foremen being fulfilled, is passed. Why should I refer to any particular kuri-chitty foremen? I fail to see the point in the question.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does the member concede that the kuri-chitty is unscientific in principle?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I shall not be hazardous enough to give an opinion without going into the question in greater detail. It has to be gone into. I admit that I have not gone into it in such detail and I am not an expert in kuri-chitties.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I support the Bill. Various arguments were advanced against this Bill. If I correctly understood the trend of the arguments and the conclusions which were arrived at by very many members who spoke in opposition to the Bill, I think all the members agreed with reference to the principles underlying the present Bill; that is to say, with reference to the existing Chitty Regulation, postponement of the instalments or the drawing of the chitty, is necessary in view of the economic depression prevailing in the country.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I question that statement.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): All agreed except Mr. Govindan who said that by habit we have adjusted our finances with reference to the economic depression prevailing in the country for some time. Excepting that member all were of the opinion that some

[Mr. K. P. Nilakanta Pillai.]

sort of postponement is necessary. As already provided for in the Regulation, the present Bill proposes to give more convenience to the foremen to postpone the instalments of further drawings.

The second principle of the Bill that was opposed is that kuri-chitties should not be penalised. With reference to that point, I think there is complete agreement on this side of the House. If I understood the legal position explained before this House very elaborately by Mr. S. Krishna Pillai, who made a long speech to-day also as usual, I think it was stated that retrospective effect should not be given to the present proposal. Apart from that objection, it seems to be a fundamental objection that seems to be recognised by all legislators. I do not find any specific arguments against the acceptance of the Bill. As a matter of fact, the principle of the Bill has been accepted by the House.

Then, Sir, another question raised by Mr. Krishna pillai is that sanctity of contracts ought to be respected. Therefore, by penalising the existing kuri-chitties, we are going against that sanctity of contracts. Of course that argument appears to be sound on the face of it. But with reference to the facts, how the kuri-chitties are conducted, what is the legal basis of these kuri-chitties, whether these are void or valid contracts, whether the contract could be legally enforced, what is the legal status of the foreman and the subscribers—that question need not be considered at all. Of course, the sanctity of a contract has to be respected, but a proper contract alone is intended to be respected by law.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is meant by a proper contract?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to the provisions of the Bill the member will kindly remember the nature of the agreements between two parties one of whom is a minor or lunatic, or an agreement obtained by coercion or an agreement which has been brought into effect improperly or fraudulently or which is on the face of it void, I ask whether such an agreement contains any sanctity and whether we should attach to that agreement any of the incidence of a contract?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is a contract entered into by a minor prevented from being fulfilled after the minor attains majority?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So many side issues are contemplated in my statement. I have only made a general statement. I say that whether the sanctity of a contract has to be respected or not ought to be decided with reference to the merits of the contract. Here what is the contract? To begin with it is a void contract. A foreman enters into a contract with a subscriber. That contract cannot be enforced either by the subscriber or the foreman. I ask the question what is the sanctity of the contract when the same is being done fraudulently? The country is flooded with unscrupulous agents visiting house to house, luring the poor people with fantastic

promises and robbing them of their hard earned money. If that simple proposition is conceded for a moment, I suppose it will be conceded by my friends in this House that the Bill now before the House must be supported. In regard to the provident Insurance Bill, which I suppose is coming up for discussion in this Session itself, the very same complaint has been raised throughout the country that these Provident Insurance Companies have during recent years sprung up in very large numbers, like mushrooms. Every one of them has cheated the poor people in the country-there may be a few exceptions, and robbed them of their hard earned money.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I ask the member whether the Government are trying to make it illegal or punishable to start Provident Insurance Companies?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Now we are going to discuss the various provisions of that Bill the day after to-morrow. I have proposed certain amendments which I hope, if carried, would work well.

In the case of most of these Provident Insurance Companies, poor people are tempted to part with their hard earned money by misrepresentations made to them by the agents or officers of those companies which are mostly worked on very unscientific lines. I do not profess to be an expert in Insurance or Provident Insurance. But I would ask this simple question. There is a Company coming forward and telling you that you need pay only as. 8 and that you would, by doing that, get a chance of winning the first prize of Rs. 10,000, a second prize of Rs. 5,000 and so on and that those who are not able to get any of these prizes would get their money with some interest, some 25 or 30 years hence. Sir, are not these transactions void? Are they not like lotteries? Does it not amount to hoodwinking the public when such transactions are advertised. Sir, I am not now discussing theories. Theoretically there may not be anything wrong in the rules of these companies. But as a matter of fact in practical experience, do we not find that people are regularly being cheated by such companies? As a matter of practice and experience, do we find a single kuri-chitty foreman who actually conducts the chitty as per the rules, actually pays all the amount that he promises.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Even if the holder of a ticket does not get all the ten thousand rupees spoken of in the advertisement, he is certainly not a loser if he gets a few thousands for the few annas that he pays.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is the reason why I stated that the whole scheme is absolutely unscientific. No foreman is really expected to carry out his promise fully. He says pay me as. 8 and you will get from me Rs. 5,000. This promise is never fulfilled and the foreman knows how to manage his business to save himself from the clutches of the law. There is absolutely no means of checking the expenditure for conducting the chitty that is left entirely to the foreman. It is open to him to collect Rs. 5,000 by way of subscriptions and say that he had spent more than Rs. 4,000 for printing,

[Mr. K. P. Nilakanta Pillai.]

for collection and other expenses and therefore he could distribute only a hundred or two hundred to the subscribers. This is how most of these schemes work.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Whatever be the expenditure, the subscriber gets thousands of rupees for just the 4 as. or 8 as. that he pays.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, certainly that is exactly my grievance. It has been pointed out by my friends on this side of the House that these chitties are being conducted by very respectable people who fully realise their moral obligation to pay prizes under these kuri-chitties. But I personally know, Sir, of very many such respectable people who promise fabulous prizes and dividends to the subscribers but who finally do not fulfil any of their promises.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : How many people have got Rs. 5,000 in Travancore ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not know of any.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : How many are robbed of their as. 8 or as. 4 ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Thousands. It is all so unscientific. In more than 75 per cent. of the case, there is absolutely no control over the foreman. We often hear that for collecting these small subscriptions, from Calcutta or from London, huge sums had to be spent far in excess of the amount of subscription and that there was only very little left to be distributed as prizes. This is how the foremen are able to make their huge profits, and there is no practical way as things stand at present, to have any control over their expenses; that is the position ? That is why I say it is all very unscientific. I do not blame any foreman because it is certainly impossible for any human being to carry out promises like those that the foremen make. There is therefore no use in accusing them. But my only point is that innocent and poor subscribers are deprived of their hard-earned money.

Sir, arguments have been adanced by my learned friends that when honest men have started these companies and are prepared to distribute the attractive prizes which though not legal they are under a moral obligation to pay to the numerous subscribers the law will not interfere and deprive thousands of people who legitimately expect to win these attractive prizes. I have only to reply, Sir, that if really there are such generous and noble men in the country why not the subscribers magnanimously forego their small payments of as. 4 and as 8, so that we can have in our country a few millionaires who have made all their money on account of their impression of their respectability which they were able to create in the minds of the public. (Laughter). I do not think anybody is going to grudge the payment of 8 as. or 4 as. Let us not therefore shrink from taking the necessary action in the matter merely because these transactions have already been entered into.

Reliance has also been placed on the general principle of jurisprudence that retrospective effect should not be given to any piece of legislation My submission is that it is not an absolute rule that retrospective effect should not be given in any case. I submit that if there is any one instance in which retrospective effect could be given justly and fairly, it is this matter.

There is then the question of the postponement of chitties. I may be permitted to observe that some of the arguments that were advanced appear to cut both ways. There is already the provision in the existing Regulation that if subscribers whose rights in the chitty amount to not less than three-fourths of the value of the amount of the chitty, can decide by means of a special resolution, that an instalment may be postponed to the date of the next instalment, it can be so done. It was argued that f 20 subscribers had together taken more than three-fourths of the total number of tickets and if the remaining 10 subscribers had together taken only less than one-fourth of the total number of tickets, it would be possible under the present provision for the 20 people to postpone the chitty as they like leaving the remaining ten at their mercy. I ask the question is it not possible to contemplate another case in which there may be the rich subscribers who together own more than three-fourths of the total number of tickets, in such a case the majority amongst the subscribers would be left at the mercy of a few such persons. This is the contingency which I now raise certainly not beyond imagination —but we can reasonably contemplate such instances also. The amendment that I would suggest to the provision concerned is that the prized subscribers should have nothing to do with the postponement of the instalments. It must be left to the non-prized subscribers alone. That is the suggestion that I would make.

With this observation I fully support the Bill before the House.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, the trend of the opinion in the House now seems to be against the Bill. On that account I am not prepared to sacrifice my individual opinion.

I am led to understand by my conversation with many subscribers and foremen that nearly 80 per cent of the foremen and subscribers have become paupers. Sir, as we all know the economic depression has been so serious and has lasted so far over more than 2 years and I have no hope that we are going to be saved from it for the next ten years or more. I therefore hope that several of the foremen will have to be in jail if the chitties are to be continued as usual and the Government will have to spend thousands of rupees to put up additional sheds to house these foremen and it will increase the financial difficulty of Government. I therefore support the Bill now before the House. I have been asked by several chitty foremen and subscribers "Is it a fact that Government are contemplating to introduce a Chitty Regulation Amendment Bill". My answer is "Yes." They have all said that they welcome the measure. Such an opinion coming as it does from numerous subscribers and foremen must be given weight by this Council. So far as this question is concerned I would

[Mr. K. Narayanaperumal Nadar.]

submit that the opinion of the representatives of the people, laymen, must be given more weight than the opinion of the lawyer members of this House. I would therefore welcome this Bill and would request Government to bring it into force even if the measure does not get the support of the majority in this House. Such defeat in this Council will certainly not be a moral defeat to the Government. I do hope that the Honourable Law Member will not withdraw the Bill merely because it is opposed by a majority of this House.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*) : I would like to make a few observations on the first portion of the Bill. As has been stated, the Economic Development Board had something to do with it.

DEPUTY PRESIDENT : Please see that your observations are as short as possible. We have only 3 minutes more for the discussion of this subject.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*) The Economic Development Board received representations from various people urging the necessity for the postponement of chitties. They discussed the question in all its aspects and the majority of the members, both official and non-official were in favour of the postponement of chitties. Many of the witnesses examined by the Economic Depression Enquiry Committee also supported the postponement of chitties. They all suggested that some facilities must be given to the foremen and the subscribers to postpone chitties. The other side of the question was also put forward mostly by lawyers.

MR. A. THANU PILLAI (*Trivandrum*) : Is there any special connection between the profession of lawyers and this question ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*) : Most of the witnesses who argued against the postponement of chitties happened to be lawyers. I have simply mentioned that fact. The Committee discussed the question in all its aspects and were of opinion that relief should be given to the foremen and the prized subscribers and that some provision should therefore be made for the postponement of chitties.

As regards the existing provision, as the Law Member pointed out, there was some doubt as to whether chitties could be postponed under the present Regulation. It is only to make the point clear that the amendment is now being proposed.

It has been suggested that postponement will benefit only the prized subscribers and that it will work detrimentally to the non-prized subscribers. But I do not think so because in every chitty it is only one ticket holder that can prize his share every time. So all the rest amongst the non-prized subscribers have to pay their share each instalment and there are penalties attached to non-payment and delayed payment. Therefore considering the non-prized subscribers as a whole it may be said that they will be benefited by the postponement of chitties.

It was observed by some of my friends on the other side that more than 50% of the chitties are even now being conducted well. Probably, Sir, it may be so where most of the subscribers happen to be officers of Government and Vakils ot good practice. Certainly these people have not been hit hard by the economic depression, but in rural parts more than 75% of the chitties have really collapsed because the people have not got money to pay.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Did the committee find out that there was no provision now for the postponement of the chitties?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): That seems to be the disputed point.

DEPUTY PRESIDENT: It is now past 3-30 and we have to begin the discussion of the adjournment motion.

ADJOURNMENT MOTION.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, the subject of my motion is, as the House is aware, the fall and the impending further fall in the price of Travancore copra due to the import of Ceylon copra into this country and its possible increase in the future.

Sir, the material prosperity of this country depends upon both the owners and the cultivators of the cocoanut trees. In the Eastern hemisphere between the Suez and the Far East, the most important countries which cultivate cocoanut trees are the Malabar Coast, Singapore, the Malay Archipelago, Ceylon and South Africa. Of these countries, the Malabar Coast including Travancore, Cochin and British Malabar, Ceylon and Singapore are five of the most prominent countries, while the East and South Africa are just taking to this cultivation on a large scale.

Sir, Travancore and Ceylon compare in many respects in their economic and industrial activities. Rubber, tea and cocoanut are the most important products cultivated both in Ceylon and here. The main prosperity of Ceylon depends upon rubber and tea, the prices of which, we all know, have fallen considerably during the last 3 or 4 years, and we do not see any prospect of revival in the near future. Travancore also has been very badly hit owing to the fall in the price of rubber and of tea; but I do not think Travancore has been hit so hard as Ceylon. Travancore, I hope, may carry on as she had been carrying on during the last couple of years. But, Ceylon with the fall in the price of rubber and of tea has lost her equilibrium not only in her economic life but also in her very national life. We have read in the papers how a deputation of the ladies of Ceylon waited before the Indian Commissioner in Ceylon pleading for the recommendation to the Government of India of the abolition of the import duty on the cocoanut products of Ceylon into India.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know, Sir, whether, under the motion now before the House, we can start a discussion of the Ottawa Conference and such other larger questions?

DEPUTY PRESIDENT: The Legislative Council Regulation, Rules and Standing Orders are clear about it. The terms of the Ottawa agreement or what took place elsewhere shall not be discussed, but may be *referred to incidentally*.

MR. K. C. KARUNAKARAN (*Nominated*): About 4 years ago, the Government of Ceylon approached the Government of India for the abolition of the import duty into India; the question was referred to the South Indian Chamber of Commerce who asked for our expert opinion in Alleppey. We gave our opinion against the abolition of the duty, and addressed the Government of Travancore on the matter. I believe the Travancore Government have taken some steps in that direction. Ceylon did not keep quiet. At the beginning of this year, Ceylon appointed a new Trade Agent on a huge salary with a view to find out the possibility of extending the sale of her cocoanut products into India. That Agent travelled throughout India. He visited Alleppey and other places and recommended in his report that there is a considerably large untapped market for cocoanut products in India, provided the Government of Ceylon would urge upon the Government of India for the abolition of the import duty on Ceylon cocoanut products. Just at that time, the Conference was having its sitting at Ottawa, and one of the general principles they decided upon was perhaps owing to the representation made by the powerful and influential cotton magnates of Ahmedabad that if Ceylon would give preference to Indian made cotton goods, the Government of India would consider the question of the abolition or at least the lowering of the import duty on the cocoanut products of Ceylon imported into British India.

On the 14th of October 1932, the Ceylon Times wrote editorially thus:

> "Ceylon will be invited to adopt the principle of preference in respect of a number of Indian products of which cotton piecegoods are the most important. This is distinctly hopeful If Ceylon is invited to give preference to India, it is obvious that there must be reciprocity, and it is reasonable to hope that at long last, something may be done for the removal of the import duties on cocoanut products from Ceylon. For years, proprietors of cocoanut products in Ceylon have looked enviously on the market in Central India but entry has been handicapped by duties Ceylon can reasonably refuse to give any preference to Indian piecegoods so long as India tries to shut out Ceylon's cocoanut products".

The seriousness of the impending danger to Travancore, the significance and importance of this editorial of a leading newspaper in Ceylon, especially the last sentence of it, will, I hope, be realised by my friends when they see that the cotton magnates of Bombay and Ahmedabad will ultimately influence the Government of India when the Ottawa Bill comes up before the Assembly and will, in their own personal interests, see that the import duty on Ceylon cocoanut products is removed.

MR. K. GEORGE (*Chief Secretary to Government*): I do not think there is any proposal for the *abolition* of the import duty; it is only *reduction* that is proposed.

MR. K. C. KARUNAKARAN (*Nominated*): The Ottawa Bill recommends the lowering of the existing duty on copra and oil from 25 to 20 percent. of the tariff value. Sir, we are neighbours to Ceylon and I do not mind, perhaps, more of Ceylon copra coming into India. But, what about colonial copra, copra from Singapore, and from South and East Africa. Under the Ottawa agreement, India must give preference to colonial goods while *we* do not get any preference at all in the colonies. It is unilateral. We get preference only in the United Kingdom. Under these circumstances, it is only fair and reasonable that we, the representatives of the agricultural interests of Travancore should not give our assent to the report of the Select Committee on the Ottawa Tariff Bill, which, I submit, will be very injurious economically both to the agricultural and the industrial interests of Travancore.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does not wide India stand to gain by the terms of the Ottawa agreement ?

MR. K. C. KARUNAKARAN (*Nominated*): I am speaking of Travancore.

Under the Interportal Convention, our Government have to follow the lines chalked out by the Government of India in regard to import duties. According to the present schedules I think there are 3 schedules with respect to cocoanut products, one for cocoanut, another for cocoanut oil and another for copra, the import duty on copra is Rs. 17-10 as. per candy; but according to the present scheme now agreed upon it will be Rs. 14-1-7; that is to say, if the proposed scheme comes into effect the price of our copra will automatically get reduced by Rs. 3-8-5.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the tariff value on Ceylon copra been reduced ?

MR. K. C. KARUNAKARAN (*Nominated*): Sir, it is not only our copra that will be affected. The price of our husk, of our yarn, mats and matting will all ultimately be affected to the detriment of both the employers and the employees engaged in the most important industry and agriculture of this State.

MR. K. GEORGE (*Chief Secretary to Government*): Will such reduction be a stimulus to the oil industry ?

MR. K. C. KARUNAKARAN (*Nominated*): No, I am going to deal with that question also.

The present duty on oil is 25 per cent. of the tariff value. According to the Report of the Select committee on the Ottawa Bill, it is to be reduced to 20 per cent. in the case of oil also. Therefore, the proposal is not going to be a real impetus to the oil industry either. I was under the impression that the proposed reduction related only to cocoanut and copra; but the Financial Secretary drew my attention to the fact that the proposal is to reduce the duty on oil also. I did not get that information from the Associated Press of India this morning. If that be so, certainly it cannot be an impetus to the oil millers of Travancore.

[Mr. K. C. Karunakaran.]

Sir, by temperament and training I am an industrialist. The House may remember that I have always been supporting the cause of the mill-owners as against the agriculturists for various reasons. But now I have taken the position of supporting the agriculturists here. I am doing it because if the proposed Ottawa Bill comes into effect it will affect every one in Travancore, agriculturist or industrialist, official or non-official, rich or poor.

With these few words, I place the motion for the acceptance of the House.

MR. RAMA VARMA RAJA (*Edavagai*): ഇംപോർട്ടെഡ് കൊപ്രാക്ക് എന്തു് വിലയായിരിക്കും ?

MR. K. C. KARUNAKARAN (*Nominated*): That will depend upon World prices. I cannot say exactly now.

MR. RAMA VARMA RAJA (*Edavagai*): അവിടെ കൊപ്ര വിലകുറച്ചു കൊടുക്കാൻ സാധിക്കുമെന്നാണോ വിചാരിക്കുന്നതു് ?

MR. K. C. KARUNAKARAN (*Nominated*): Just one point more, Sir. Even under the existing rate of import duty, Ceylon was dumping in the Alleppey market her cocoanut products and really making a small margin of profit. So, if the duty is reduced, and that to the extent of Rs. 4, Ceylon will be enabled to sell at an advantage.

There is another important point of difference between the cocoanut cultivation in Ceylon and in Travancore. We have got only small detached compounds here which yield our cocoanut produce, whereas, in Ceylon they carry on cocoanut cultivation on an extensive scale in huge plantations. I hope the Director of Agriculture can explain this matter better than I could. Ceylon can therefore afford to sell much lower than Travancore.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the member's concrete proposal ?

MR. K. C. KARUNAKARAN (*Nominated*): Since I read the editorial in the Ceylon Times, I approached the Chief Secretary and the Dewan of Travancore with separate memorials. I do not know what they have done with them. I have also indicated the lines on which they may move in the matter. But, from the discussion in the Assembly between Mr. Tampan, the Member for Malabar, and Sir Joseph Bhore I find that nothing has been done by the Government of Travancore. Because, Sir Joseph Bhore has openly stated in the Assembly that he was not aware of any representation from any part of Malabar or Travancore.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is the point of the member's representation to the Dewan and the Chief Secretary ? Is it confidential ? Shall we also know the contents of it ?

MR. K. C. KARUNAKARAN (*Nominated*): I think the Government member in charge of this motion in his reply will explain that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the member tell us what we have to do in the matter ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Vote in support of his motion.

MR. K. C. KARUNAKARAN (*Nominated*) : The Select Committee on the Ottawa Tariff Bill will be submitting their Report to the Legislative Assembly at Delhi on Monday. If the Travancore Government with the unanimous vote of this Council can show to the Government of India the real position of Travancore in this matter, I think some thing can be expected out of it

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Will the abolition of our export duty on cocoanut and copra in any way help the cultivator here in escaping from the impending danger ?

MR. K. C. KARUNAKARAN (*Nominated*) : Should I answer that question, Sir, ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : What was Mr. Tampan's proposal ?

MR. K. C. KARUNAKARAN (*Nominated*) : To reduce the present 25 per cent. duty on Empire copra and to increase it in the case of non-Empire copra to 35 per cent.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : Your proposal is it to follow that ?

MR K. C. KARUNAKARAN (*Nominated*) : Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Is there any export duty on copra in Ceylon ?

MR. K. C. KARUNAKARAN (*Nominated*) : They do not call it export duty; they charge for scientific research or something, some small amount on the quantity exported.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : There is no export duty ?

MR. K. C. KARUNAKARAN (*Nominated*) : They do not *call* it 'export duty'.

MR E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Before any of us, on this side of the House speak, on the motion, we would like to hear the Excise Commissioner, because Mr Karunakaran has distinctly pointed out to the House that several days back he memorialised the Government. We want to know what the Government have done in the matter?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, I rise to second the adjournment motion moved by Mr. Karunakaran. We have not been able to study closely what the exact effect of the proposed legislation in British India will be on our producers. But I think, when questions of great magnitude are being discussed with reference to imperial gains and losses, our small, poor country may be lost sight of. The time is coming when the economic repurcussions of a small unit with the Empire of the future, when we become part of the federation, are going to have their natural effect on us the poor people of Travancore. For the sake of adjustments in the wider interests of the future federation

[Mr. K. Kunjukrishna Pillai.]

of India, the import duty on copra and cocoanut products from Ceylon may be reduced in order that the cotton goods producers in Bombay and Ahmedabad and other influential centres in India may be benefited. I am not going to pass any stringent remarks. I shall follow the directions from the Chair. I do not propose to make any reference to policy proposed to be adopted by the Government of India or to characterise it in any way. Our Rules do not, I know, allow actual discussion of questions of policy with regard to our connection with British Indian Government. We can, at the most incidentally *refer* to such matters. That is all.

DEPUTY PRESIDENT: Incidentally, if you want you may make casual reference to it. Definite and direct attacks have to be avoided.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I doubt very much, Sir, whether the Government can make themselves felt with regard to this question affecting influential quarters in British India. All that we can possibly do is to make a representation that the people of Travancore depend practically entirely on cocoanut production, that they are restrained under the Interportal Convention from imposing protective import duties on products into Travancore and that therefore any attempt on the part of the Government of India to reduce the import duty on cocoanut products will seriously prejudice the interests of the people of Travancore.

Mr. Karunakaran pointed out that Sir Joseph Bhore declared openly that he was not aware of any representation from anywhere in Malabar or Travancore regarding this question. I am constrained to observe, Sir, that this is criminal negligence on the part of the Government of Travancore. I want to emphasise now, as I have never been tired of emphasising that our Customs Department has long been in the hands of ill-equipped hands. That is a department which has the future of the country in its hands. It is highly necessary that it is placed under an expert in customs, one who knows the business and who is interested in it. Unless that is done there is absolutely no use in our blaming the Government here or the British Government when our interests are being ignored. If there had been a vigilant and capable officer at the head of our Customs Department there is no doubt that a proper representation of our position in the matter would have been made to the Government of India in proper time, long ago. Therefore, what we most urgently need, in this matter especially, is internal reform in the administration of our Customs Department.

MR. K. C. KARUNAKARAN (*Nominated*): Is the member aware that Sir Joseph Bhore knows the conditions in Malabar?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): He may or may not know that. He is a servant of the Government of India and he is not concerned with petty details. The Government of India are considering a big question of which Travancore matter is only a tiny drop.

MR. K. C. KARUNAKARAN (*Nominated*): Is the member aware that he was the Dewan of Cochin?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): For arguments sake I may even concede that that he is a Travancorean or a Cochinite. Even then, he cannot stress the point more than his official position warrants. He is not concerned with your copra and tiny questions of the kind. In a big question, tariff on copra in so far as it affects Travancore is a very small matter to them. We are not empowered to blame Sir Joseph Bhore for not putting our point of view.

MR. K. C. KARUNAKARAN (*Nominated*): Does not the member think that if proper representations had been made at the proper time, Sir Joseph Bhore would have appreciated our position better?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I think Mr. Karunakaran misunderstands me. I am entirely at one with him. I say our Government did not make proper representation at the proper time. That is what I have been saying all the time.

MR. K. C. KARUNAKARAN (*Nominated*): Is it the member's idea that if the representation had been made to Sir Joseph Bhore in proper time he would have taken interest in the matter?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I cannot speculate.

If Sir Joseph Bhore had been appraised of the seriousness of the matter sufficiently early, it would not have been possible for him to give this excuse that nobody from Malabar raised this question. I am not at all sanguine that if a representation had been made everything would go alright. Even after this, if a representation is made, I am not at all sure that everything would be right. We cannot blame that the Officer in charge of the customs in British India did not make a representation. For that matter, I may say that if we had the capacity to impose import duties, it would have been a different position. I think, considering all these matters, Government ought to make a representation to the Government of India. I do not know what would be the exact effect of this on the producer of copra I also want Government to go into this question, if, suppose export duty on copra is abolished, in Travancore how will it compete with copra that comes into British India from Ceylon? All these questions have to be gone into carefully and proper representation made to the Government of India so that this most important source of income for the ordinary producer of Travancore may not be jeopardized. With these words, I second the adjournment motion of Mr. Karunakaran.

MR. K. GEORGE (*Chief Secretary to Government*): It was mentioned a little while ago by Mr. Karunakaran that the Travancor Government did not make any representation to the Government of India on the subject. It is true, we have not made any representation just now. That was because, the question of ratifying the Ottawa Agreement was recently under discussion in the Indian Legislative Assembly.

I may inform the House, that, as early as November 1930, the Travancore Government hearing that there was a suggestion to reduce the import duty on copra, made a strong protest to the Government of India. In reply to that, we were assured that the facts mentioned

[Mr. K. George.]

therein have been noted by the Government of India and will receive their fullest consideration before any action is taken to reduce the import duty on copra, or cocoanut oil. They further said that at that time there was no intention to reduce the duty on either of those articles. That was in February 1931. Subsequent developments were the results of the Ottawa Agreement.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Probably that was before the Ottawa Conference.

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

At the same time, the Government of India promised to give full consideration to our representation. The later development was in connection with the Ottawa Conference and the subsequent proposal from the Government of India to ratify the agreement which our Indian delegates made to the British Government. That was under discussion in the Legislative Assembly very recently. I am not able to recollect the exact date of the proceedings; but I believe, it was two or three days ago when the Tariff Bill was placed before the Assembly. The Travancore Chamber of Commerce represented to the Travancore Government in their letter dated the 15th November 1932 that they should represent to the Government of India on the necessity of keeping up the duty. Mr. Karunakaran was drawing our attention to a paragraph in the Ceylon Times. The Chamber of Commerce writing to the Government of Travancore also quoted the same paragraph and asked Government to make certain representations. The Government was not, at that time, in a position to understand exactly how matters had taken shape. Also, members full well know that there was a great deal of discussion as to how the question of ratifying the Ottawa Agreement will be dealt with by the Assembly. The Assembly, as you all know, placed the matter before a Committtee and the majority of the members of the Committee recommended the ratification of the Agreement. It was only 2 or 3 days ago the Indian Legislative Assembly passed Sir Gour's proposition to ratify the agreement. Then the Bill was published in the Government of India Gazette. From that we find that the tariff value on copra and oil are affected by the present proposal of the Government of India. At present the duty on imported copra is 25 per cent. or Rs. 11/12 per candy. The proposal in the Tariff Bill is to the effect that though the duty be raised to 30 per cent tariff value will remain the same. But it is to be borne in mind that preference be given to the Empire copra to the extent of 10 per cent. That has been explained by Mr. Karunakaran. The result would be a reduction of 5 per cent. duty on Empire produced copra outside India. It cannot be denied that the reduction will not benefit our producers. As Mr. Karunakaran himself explained, it is possible for cocoanut magnates in Ceylon to plant extensive areas, on scientific lines to produce cocoanuts at much cheaper rates than Travancore and to export them to Travancore and to British India at prices with which Travancoreans cannot compete. In fact, it must be remembered even with 25 per cent. duty Ceylon copra can compete with our copra in Cochin and Travancore. There was a protest about that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's opinion that if Ceylon copra goes out of Travancore, export duty will not be levied?

MR. K. GEORGE (*Chief S cretary to Government*): No. Ceylon copra comes here for consumption.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Suppose it is converted into cocoanut oil, will there not be duty?

MR. K. GEORGE (*Chief Secretary to Government*): It is exempted from payment of duty.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If copra imported at Alleppey is converted into oil and exported, is there not a necessity for payment of export duty?

MR. C. O. MADHAVAN (*Excise Commissioner*): Some concession was granted to Ceylon Copra.

MR. K. GEORGE (*Chief Secretary to Government*): The Excise Commissioner says that concession was granted.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Under the circumstances, why not the Excise Commissioner be asked to explain our doubts then and there instead of the chief Secretary?

MR. K. GEORGE (*Chief Secretary to Government*): It was suggested that Government did not take any action and so, I am speaking the circumstances that led to that.

MR. K. C. KARUNAKARAN (*Nominated*): Is the member aware that Copra Mill-owners at Ceylon export white copra to Bombay?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know all that.

MR. A. THANU PILLAI (*Trivandrum*): Am I to understand that oil exported from Travancore is dutiable or not in reference to the country where copra is found in plenty?

DEPUTY PRESIDENT: That aspect of the matter will be dealt with by the Excise Commissioner.

MR. K. GEORGE (*Chief Secretary to Government*): Ceylon copra which comes into Travancore pays a duty of Rs. 17/10 per candy.

MR. A. THANU PILLAI (*Trivandrum*): But when it is converted into oil and exported, should the same pay a duty?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. RAMA VARMA RAJA (*Edavagai*): How do you distinguish that?

MR. K. GEORGE (*Chief Secretary to Government*): There are different methods of calculation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know from the member whether any copra is imported into Travancore from places outside the British Empire?

MR. K. GEORGE (*Chief Secretary to Government*): I am not sure. It may be exported from Java and Phillipines.

Mr. Karunakaran's suggestion is that we should make a representation to the Government of India. The reason why we did not make any representation till now is this. It was only two or three days ago

[Mr. K. George.]

the Government of India publication in the matter appeared in the Gazette. It states that there is a proposal to reduce the duty on Ceylon copra and oil.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member what was the constructive proposal put forward by Mr. Karunakaran?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know. But Government are in entire sympathy with all that was said by Mr. Karunakaran. I think, as Mr. Karunakaran says, if this House would unanimously resolve to ask the Travancore Government to send a representation to the Government of India, our Government will only be glad to abide by that request (voice of hear, hear from the non-official side). I would further add that, if the Travancore Chamber of Commerce would also do like that, it may have more effect. Of course, as Mr. Kunjukrishna Pillai said we cannot be quite sanguine that when the Government of India is considering big questions, our representation will count for much. Anyhow, we will try to send a representation.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Can this Government address the British Cabinet direct?

MR. K. GEORGE (*Chief Secretary to Government*): Only through the Government of India.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In view of the possible reduction in the export duty just now announced, may I know the definite proposal that the Travancore Government has in mind?

MR. K. GEORGE (*Chief Secretary to Government*): The Government of India announcement has just been published in the Government of India Gazette.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Something was represented to the Government of India by our Government in 1930. What was that?

MR. K. GEORGE (*Chief Secretary to Government*): At that time, the Government of India only promised to take into consideration our prayers. It is only now a definite proposal has been made by the Government of India with reference to duty. We might say that we support the proposition which was moved by the member for Malabar, namely, that 25 per cent. duty be retained and for Non-Empire products the duty be fixed at 35 per cent.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): That refers to duty on copra as well as oil. But Mr. Karunakaran wants to make a reference to copra only.

MR. K. C. KARUNAKARAN (*Nominated*): I have no objection to include oil also.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In case the Government of India are not prepared to listen, but differ from our proposal, is there any alternative proposal with reference to reduction of duty from our Travancore Government?

MR. K. GEORGE (*Chief Secretary to Government*): Such a situation has not come at all in reference to the Government of India and the Travancore Government. When the occasion comes up, I am sure, the Government of India will take up the matter.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the Government of Travancore propose to consider about sending a representation at all?

MR. K. GEORGE (*Chief Secretary to Government*): If any practical suggestion is forthcoming the Government are prepared to consider that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What I want to know is this. Is there any expert knowledge avilable on the subject in the country to consider the whole question from various aspects and make a definite proposal to the Government of India?

MR. K. GEORGE (*Chief Secretary to Government*): You have sufficient men of intelligence and experience in the country. You can consider the matter and say what all steps are necessary for Government to act up to.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Why not Government appoint a Committee for this purpose?

MR. K. GEORGE (*Chief Secretary to Government*): Let there be something definite to proceed on.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Suppose, export duty on copra is reduced, will Travancore be able to compete successfully?

MR. K. GEORGE (*Chief Secretary to Government*): It will not result in any increase in the price of local copra. Ceylon copra will still be dumped in our State.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The Chief Secretary has suggested just now that the oil extracted from Ceylon copra is subject to export duty.

MR. K. GEORGE (*Chief Secretary to Government*): At present it is exempted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Then in that case, are our Government competent to impose a duty on the same?

MR. K. GEORGE (*Chief Secretary to Government*): We are free to do that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there are raw cocoanuts imported into Travancore?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the percentage of copra, cocoanut oil and raw cocoanuts, exported from Travancore?

MR. K. GEORGE (*Chief Secretary to Government*): A reference to the statistics will answer the question.

MR. C. O. MADHAVAN (*Excise Commissioner*) : On the question of Mr. Karunakaran's motion, I may assure the House that, the Government share both the views and the apprehension with equal force as the non-official members themselves. Recently, I had the opportunity of meeting a gentleman from Ceylon interested in the cultivation of cocoanut and the manufacture of copra. From him I knew that they can produce and export copra much cheaper than we can do. The chief reason is that land there is very cheap. I told him what the cost of production here is as regards each item. When we came to the question of the price of land I told him that 1 acre of cocoanut land may cost Rs. 1,500 to Rs. 2,000. He said that there it would not be above Rs. 250 per acre of cocoanut land before cultivation.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*) : May I know how the price of land can affect the produce of cocoanut?

MR. C. O. MADHAVAN (*Excise Commissioner*) : They calculate the cost of production on the investment they make. A man or a company may take 500 or 1,000 acres for cocoanut cultivation just as we do it here for tea or rubber plantation.

MR. A. THANU PILLAI (*Trivandrum*) : Is the Rs. 250 mentioned by the member the cost of land after cultivation or before cultivation?

MR. C. O. MADHAVAN (*Excise Commissioner*) : The price before cultivation.

MR. A. THANU PILLAI (*Trivandrum*): I want to know whether we cannot get land at about the same price in Travancore also?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Because they cultivate on a large scale the production is cheaper, I say that is one of the reasons.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is Ceylon soil cheaper than Travancore soil?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Yes, that is what I consider.

MR. S. KRISHNA PILLAI (*Karunagapalli*) ; What is the average rate at which land can be registered here?

MR. C. O. MADHAVAN (*Excise Commissioner*) : That depends upon various considerations.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What is the average? Is it anything more than one or two rupees?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I do not think we have got land fit for cocoanut cultivation to be registered on a large scale.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Even on a small scale system. Is there not at least one acre of land fit for cultivaiton for registry?

MR. C. O. MADHAVAN (*Excise Commissioner*) : The member knows it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am asking the member as to what he knows?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Our cost of production is much more than what it is in Ceylon. They can sell cheaper than here. That is all what we are concerned with here.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnatlur*): May I request the member to come away from Ceylon affairs and talk of Travancore affairs?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even supposing that the contemplated reduction becomes a possibility, in what way it will adversely affect the trade balance of the Government of India? Suppose the import duty of the entire products of copra is reduced by 5 per cent. in what way will it affect the trade balance of Travancore? How will it affect our import duty?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not understand the member. Is it how it will affect the export duty?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes.

MR. C. O. MADHAVAN (*Excise Commissioner*): So far as Travancore is concerned it has no separate existance as regards import duty on cocoanut.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Supposing the Ceylon Government is giving a preference by way of reduction of 5 per cent., then Ceylon copra may come into Travancore where it is likely to be converted into oil and punnac. If this has to be exported again, of course a duty is realised by the Government of India.

MR. C. O. MADHAVAN (*Excise Commissioner*): Does the member mean cocoanut oil manufactured out of Ceylon copra?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes.

MR. C. O. MADHAVAN (*Excise Commissioner*): Under the Regulation there is a duty. But as a result of the representation of the Travancore Chamber of Commerce, and the Alleppey Mill-owners a concession has been granted to export oil free of duty till the end of this year.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is not the concession highly detrimental to the cocoanut cultivation in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): That information, I am sure, is based on an incorrect understanding of the trade situation in Travancore and in India.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I want the Excise Commissioner to speak chiefly upon that, because that has caused very much misunderstanding.

MR. C. O. MADHAVAN (*Excise Commissioner*): I will most willingly do that. Travancore cocoanut and oil has no market of its own. Even if the Ceylon copra does not come to Travancore it will go to Cochin, Karachi and Bombay where our copra and oil are also sold. If it lowers the price in those markets, it will lower the price of cocoanut and oil in this country also because we have no independent market of our own.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I am told that Travancore oil is given preference to Ceylon oil outside the State and we are enjoying a reputation for that. By this concession will not that reputation be lost?

MR. C. O. MADHAVAN (*Excise Commissioner*): If we have got such a reputation it will not be affected by the concession granted to the Travancore Mill-owners. It goes to Cochin along with other oil. From there it goes as Cochin oil. We share the same fate. Even in that aspect we do not stand to lose anything.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How would the department distinguish Ceylon oil from Travancore oil?

MR. C. O. MADHAVAN (*Excise Commissioner*): For that I would invite the attention of the member to the Government order dated 4th October 1932 R. O. C. 5383/32/Devpt. wherein the procedure to distinguish oil crushed out of Ceylon copra from that of Travancore is laid down. When the Ceylon copra is imported by a Mill-owner an officer in charge of the Choukey will give a certificate saying that he has imported so much copra. But the Mill-owner should also state through what Chowkey he would export it so that the officer in charge may issue a certificate in duplicate saying that so and so is allowed to export so much of oil free of duty. This procedure may be clearly seen from the orders of Government published in the Gazette. The Mill-owners are demanding still further concessions. But in consideration of the agitation in the country against it, the Government have not granted any further concession.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): So, Travancore oil also should be taken. It is not possible to distinguish when once it is crushed out of copra.

MR. RAMA VARMA RAJA (*Edavagai*): ഇത്ര ക്യാണ്ടിററി കൊപ്രക്ക ഇത്ര എണ്ണ എന്നു നിശ്ചയിക്കുന്നതെങ്ങിനെ?

MR. C. O. MADHAVAN (*Excise Commissioner*): It has been ascertained by experience that one candy of copra yields 62½ per cent. of oil and 35 percent, of punnac, the rest being wastage.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I hope Government gave this concession with the hope that the permanent Mill-owners will consume a good quantity of Travancore copra. Export duty on copra in Travancore was increased for the benefit obviously of the Mill-owners. One reason for making that concession was that they were permanent consumers of our cocoanut. Is that a consideration still now?

MR. C. O. MADHAVAN (*Excise Commissioner*): That was a consideration and is still a consideration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether that consideration is ignored now when Ceylon copra is allowed to be imported into Travancore for the use of the Mill-owners on favourable rates?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not think it has been ignored.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): If they could import Ceylon copra and produce oil in Travancore to be profitably sold; then so much less of Travancore copra will be consumed by the Mill-owners

of Travancore. So that, is it not reducing the demand of Travancore copra to that extent and acting against the interests of the cultivation of cocoanut in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): No. The market of Travancore Mill-owner is not confined to Travancore alone. They do not take all sorts of Travancore copra because some variety fetches very high prices.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): According to the admission of the member, Travancore Mill owners prefer Ceylon copra?

MR. C. O. MADHAVAN (*Excise Commissioner*): Now Ceylon copra is not coming. The price of Ceylon copra in India will now be higher than Indian market price when the import duty, freight and insurance are also taken into account. So they cannot import Ceylon copra favourably now and even for some time to come, if the import duty remains as at present.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): As it is at present, does not the Travancore Mill-owner go in for Travancore copra in preference to Ceylon copra?

MR. C. O. MADHAVAN (*Excise Commissioner*): When prices are favourable.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the condition now?

MR. C. O. MADHAVAN (*Excise Commissioner*): Just now it is not so. Now the Ceylon copra is not coming because price has risen there and it has fallen in India. A few days ago I had a discussion with the Mill-owners at Alleppey. Freight, insurance and other expenses come to more than Rs. 7 per candy. When the price of copra in Ceylon is lower by Rs. 23 24 per candy than the price in India then only Ceylon copra can come to Travancore and not otherwise. I may also inform the House that about 20 years ago this very same concession had been granted.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was it on oil or copra? Probably the member refers to oil?

MR. C. O. MADHAVAN (*Excise Commissioner*): The very same concession was granted.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was it not when the Travancore Mill-owners wanted to import Ceylon copra in preference to Travancore copra that they were allowed to do so?

MR. C. O. MADHAVAN (*Excise Commissioner*): When the Travancore Mill-owner found that the Ceylon copra was cheaper he went in for that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So knowing this, Government gave concession when the Travancore Mill-owner wanted to bring down Ceylon copra in preference to Travancore copra?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is not at all a question of preference or anything like that. The member is forgetting the fact that we are not able to get our own markets. Ceylon copra can easily go to Cochin and other places and so Cochin price and other prices fall. Our price also automatically falls.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So, we anticipated the fall?

MR. C. O. MADHAVAN (*Excise Commissioner*): Not at all.

MR. P. S. MAHOMED (*Nominated*): തിരുവിതാംകൂറിലെ എണ്ണയ്ക്കു് കൂടുതൽ വില കിട്ടുമെന്നുള്ള മാർക്കറ്റുണ്ടോ?

MR. C. O. MADHAVAN (*Excise Commissioner*): ഇല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): For whose benefit was this concession granted?

MR. C. O. MADHAVAN (*Excise Commissioner*): It was granted for the benefit of the Travancore Mill-owners to compete with the Mill-owners in Cochin.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was it on their request that they did not get sufficient Travancore copra for working their mills?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes, they had that complaint also. For some months there was very great scarcity for Travancore copra. Coupled with that they could get Ceylon copra cheaper.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it that they would not pay proper price?

MR. C. O. MADHAVAN (*Excise Commissioner*): No.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I understand from Government publications that there are only 13 oil mills in Travancore. Am I to understand that Travancore is not able to supply these 13 mills with her own copra?

MR. C. O. MADHAVAN (*Excise Commissioner*): As I explained already all the copra is not given to mills.

MR. K. C. KARUNAKARAN (*Nominated*): May I know the basis for the assertion that Ceylon copra may not come into Travancore for some time?

MR. C. O. MADHAVAN (*Excise Commissioner*): The price of copra has now gone up on account of the demand from European markets. Ceylon will sell only in those places where she can get higher prices.

MR. K. C. KARUNAKARAN (*Nominated*): Am I to understand that Ceylon copra is finding a sale in European markets?

MR. C. O. MADHAVAN (*Excise Commissioner*): That is my information.

MR. K. C. KARUNAKARAN (*Nominated*): What is the source of the member's information?

MR. C. O. MADHAVAN (*Excise Commissioner*): When I was in Alleppey a few days ago, I had a talk with the Mill-owners there, and I got this information from them.

MR. K. C. KARUNAKARAN (*Nominated*): What is the basis of the buying done by the Alleppey Mill-owners?

MR. C. O. MADHAVAN (*Excise Commissioner*): I don't understand what is meant by the "basis of buying"?

MR. K. C. KARUNAKARAN (*Nominated*): Perhaps the member has heard of f. o. b. or c. i. f. or landed weight buying?

MR. C. O. MADHAVAN (*Excise Commissioner*): I have explained the action taken by the Government in the matter. I have not heard of what is obtaining among the merchants.

I have already stated that the fullest consideration will be given to the representation before any action is taken. There is no necessity for further action on the part of the Government at present. I may also inform the House that Government were not unmindful of their duty in this respect. Without violating any confidence, I may say that there was even this week a talk on this matter. The highest authority in the land then expressed his intention of moving the Government of India. Even if such a motion had not come before this Council, such a representation would have been made. Even if this motion had not come I may say that action would have been taken by Government.

MR. K. C. KARUNAKARAN (*Nominated*): May I know from the member whether he has seen the article regarding import duty published in *the Times of Ceylon* dated the 13th October?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes, I have seen it.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether he has seen the comments in *The Western Star* of the 4th November?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes, I have seen that too.

MR. K. C. KARUNAKARAN (*Nominated*): May I know what action has been taken on that?

MR. C. O. MADHAVAN (*Excise Commissioner*): Action has been taken though no written report has been sent up.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The member was assuring the House that for some time at least, we need not be afraid of Ceylon copra because it finds a higher price elsewhere.

MR. C. O. MADHAVAN (*Excise Commissioner*): That is only an expectation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Now, the article referred to in a *respectable daily* from Colombo says otherwise. The article specifically says that Ceylon copra ought to be given preference in India and not in Europe. If they are in thriving circumstances in Europe, would this paper have come out with this article?

MR. C. O. MADHAVAN (*Excise Commissioner*) : The expectation is that for the rest of this year there may not be much demand. We have granted this concession only up to the end of this year.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : The circumstances up to October 19 were clearly referred to by a responsible journal. What is the changed condition of things since that date ? The member should be in possession of information about the changed condition of things to give an assurance like this.

MR. C. O. MADHAVAN (*Excise Commissioner*): The price of copra has gone up during the last week.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, in supporting the motion before the House, I wish to speak a few words. It is the duty of the Government to protect and encourage its chief staple industries. The cocoanut industry is the most important industry in the country. Lakhs of people depend for their livelihood upon this industry. One of the modes adopted by civilised countries for protecting and encouraging their Industries is to impose a duty upon imports from other countries. Travancore also enjoyed that privilege till the Interportal Convention was entered into. At that time both the British Government and Travancore Government hoped that that Convention would be made use of for protecting the interests of both parties equally and that it will never be used as a weapon to the detriment of one of the parties. If Travancore were free to impose import duties as it liked, our difficulties would have been less. I do not say that we would have been able to dominate the situation. But we would never have been in such a helpless condition. Ceylon would have corresponded with us, or the British Government would have corresponded with us before deciding that the import duty on Ceylon copra should be reduced from 25 to 20 per cent. After entering into that Convention we are in a helpless condition.

MR. K. GEORGE (*Chief Secretary to Government*) : Granting for argument's sake that the Interportal Convention is not in force, what will be the effect of retaining the 25 per cent. duty ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): At least Ceylon copra would not have been imported into Alleppey. That is why I said, at the start, that it would have enabled us to enter into some terms with other countries. Now we are uncared for. If the Government of India decides in one way we are to follow that. What I am just suggesting is this: the fact that we have entered into a solemn agreement with the Government of India with regard to our imports and that we are under certain disabilities to impose our terms on other countries, will weigh with the Government of India, and because Travancore is a small State, and because they could not press sufficiently or make their opinion felt upon the British Government, they will in no way neglect our demands.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Since the Government have assured the House that they are one with the House in thinking that a strong representation in regard to this is highly necessary, no lengthy speech is required from this side of the House. But the replies given on behalf of the Government give rise to certain doubts which I want to get cleared. It has been stated by Mr. Karunakaran in his introductory speech, that when Sir Bhore was asked by Mr. Thamban whether any representation was received from any on the Malabar coast, the reply was in the negative. I want to know if a representation on behalf of the Travancore Government dated some month in 1930 had gone to the Government of India in clear terms as to the impending danger in regard to this and if so why Sir Bhore was able to give a reply only in the negative. Either he is a man of very short memory or the Travancore Government could not express themselves well. These are the only two conclusions that could be arrived at.

MR. K. GEORGE (*Chief Secretary to Government*): The representation by the Travancore Government was perfectly clear.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then I think there is the only other alternative.

DEPUTY PRESIDENT: Probably he referred to representation as a result of the Ottawa Conference itself.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Often in this House do not our official members give answers on the spur of the moment without referring to the papers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be that the Malabar coast does not include Travancore?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*). If so, his knowledge of Geography does him little credit. I am not yet sure that we are free from dangers of Ceylon copra.

The Excise Commissioner assures us that during his stay at Alleppey he had leisure to talk to a miller there who told him probably, among other things, about the affairs of the World, in the course of which the Excise Commissioner was assured by that miller.........an unknown man, expert of economics and commerce that Ceylon copra because it fetches a higher price in Europe, we need not worry ourselves about it. But Mr. Karunakaran on the strength of those two records, the A. P I's message and also leading articles of a responsible journal in Ceylon tells us that we ought to be every moment afraid of this and as sucha representation as forcibly expressed as possible ought to go to the Government of India with the strength of a unanimous resolution passed by this House. It may also be submitted that as can be gathered from A. P. I. message, Ceylon offers a threat to India in general *i. e*,, if the Ceylon cocoanut products are not given preference here they are not going to accept cotton goods from India hereafter. As between the claims of those who have vested interests in cotton goods in India and of us in poor Travancore, we may not succeed in making ourselves felt. This has to be clearly borne in mind by the Government.

MR. P. S. MAHOMED (*Nominated*): തിരുവിതാംകൂർ കൃഷിക്കാരുടെ പ്രധാന

[Mr. P. S. Mahomed.]

മായ ഒരു സംസ്ഥാനമാണെന്നു എല്ലാവരും സമ്മതിക്കുന്ന ഒരു സംഗതിയാണ്. നാളികേരത്തിനാണ് ഇവിടെ ഏററവും പ്രാധാന്യം സിദ്ധിച്ചിട്ടുള്ളത്. ഈ രാജ്യത്തിന്റെ സാമ്പത്തികനില സ്ഥിതിചെയ്യുന്നതു മിക്കവാറും നാളികേരത്തിന്റെ വിലയെ ആശ്രയിച്ചാകുന്നു. കൊപ്രാ, കയർ ഇവയെല്ലാം നാളികേരത്തിൽനിന്നു ഉണ്ടാകുന്നവയാണ്. അതുകൊണ്ടു കൊപ്രാ, കയർ മുതലായ സാധനങ്ങൾക്കു നല്ല മാർക്കററു ഉണ്ടാക്കി അതിന്റെവില എത്രത്തോളം വർദ്ധിപ്പിക്കാൻ സാധിക്കുമോ അത്രത്തോളം വർദ്ധിപ്പിക്കാൻ ശ്രമിക്കുകയെന്നുള്ളത് തിരുവിതാംകൂർ ഗവണ്മെന്റിന്റെ ഒഴിച്ചുകൂടാൻപാടില്ലാത്ത ഒരു കടമയാണെന്നുള്ളത് നിർവ്വിവാദമായ ഒരു സംഗതിയത്രെ. ഈ കടമയെ വേണ്ടവിധത്തിൽ നിർവ്വഹിക്കണമെന്ന് ഗവണ്മെന്റിനെ ഓർമ്മിപ്പിക്കാനായി മി. കരുണാകരൻ അവതരിപ്പിച്ചിട്ടുള്ള അടിയന്തിരപ്രമേയമെന്നാണ് ഞാൻ വിശ്വസിക്കുന്നത്. അദ്ദേഹം പറയുന്നപ്രകാരം തിരുവിതാംകൂറിലെ കൊപ്രായുടേയും, വെളിച്ചെണ്ണയുടേയും വില ഇൻഡ്യയിലെ മററു ഭാഗത്തുള്ള താരിപ്പുവിലയേക്കാൾ വ്യത്യാസം വരുന്നു എന്നുള്ളത് ശരിയാണെങ്കിൽ അതു തിരുവിതാംകൂറിനെ സാരമായി ബാധിക്കും എന്നുള്ളത് സംശയം അററ സംഗതിയാണ്. എന്നാൽ തിരുവിതാംകൂറിനു സ്വന്തനിലയിൽ വേണ്ട പ്രവൃത്തികൾ ചെയ്യാൻ നിവൃത്തിയില്ല എന്നുള്ളതും ഈ ഹൌസിനറിയാം. ഇങ്ങനെയുള്ള സംഗതികളിൽ തിരുവിതാംകൂറിന്റെ നിലയേയും തിരുവിതാംകൂറും, ബ്രിട്ടീഷ് ഗവണ്മെന്റുമായുള്ള ബന്ധത്തേയും അവർ തമ്മിലുള്ള കച്ചവടസംബന്ധമായ നിലയേയും നോക്കുമ്പോൾ തിരുവിതാംകൂറിനു ഈ സംഗതിയിൽ കൂടുതലായി ഒന്നും പ്രവൃത്തിക്കാൻ സാധിക്കുകയില്ലെന്നുള്ളതിനാൽ ഈ സംഗതി ബ്രിട്ടീഷ് ഗവണ്മെന്റിനേയും, സിലോൺ കാരേയും മനസ്സിലാക്കി "ഇന്നത്തെ താരിപ്പുവിലയിൽ ഭേദം വരുത്താൻപാടില്ലെന്നു" ശക്തിയായി നമ്മുടെ ഗവണ്മെന്റു പ്രവൃത്തിക്കുമെന്നും, അങ്ങിനെ പ്രവൃത്തിക്കാമെന്നു നമ്മോടു വാഗ്ദാനം ചെയ്തിട്ടുള്ളതുകൊണ്ടു അതിനെപ്പററി കൂടുതലായി ഒന്നും പറയുന്നില്ല. എന്നാൽ അതിൽ എന്താണു ചെയ്യേണ്ടതെന്നു നോക്കുന്നപക്ഷം ഒരു സംഗതി നമുക്കുകാണാം. അതായതു, മലബാറിലെ പ്രതിനിധി വാദിക്കുന്നപ്രകാരം എമ്പയർ കൊപ്രായ്ക്കു നൂററിനു ഇരുപത്തിഅഞ്ചും, നാൺഎമ്പയർ കൊപ്രായ്ക്കു നൂററിനു മുപ്പത്തിഅഞ്ചും വീതം താരിപ്പുവില വർദ്ധിപ്പിക്കണമെന്ന ശുപാർശയെ തിരുവിതാംകൂർ ഗവണ്മെന്റും ശക്തിയോടുകൂടി അനുകൂലിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): കൊപ്രാക്കുമാത്രം മതിയോ? അതല്ല വെളിച്ചെണ്ണക്കുംകൂടി വേണൊ?

MR. P. S. MAHOMED (*Nominated*): വെളിച്ചെണ്ണയ്ക്കുംകൂടിവേണം. എന്നാൽ സിലോൺ കൊപ്രാ ആലപ്പുഴയിൽ ഇറക്കുമതിചെയ്യുന്നതുകൊണ്ട് തിരുവിതാംകൂർ കൊപ്രായുടെ വില കുറയുകയില്ലയോ എന്നുള്ള ഒരു ഭയം ഈ ഹൌസിൽ പലക്കും ഉള്ളതായികണ്ടു. വാസ്തവത്തിൽ സിലോണിലെ വിലകുറഞ്ഞ കൊപ്രാ തിരുവിതാംകൂറിൽ ഇറക്കുമതിചെയ്യുന്നതുകൊണ്ട് ഇവിടത്തെ കൊപ്രായ്ക്കു വില ഇടിയുമെന്നുള്ള സംഗതി നമുക്കറിയാവുന്നതാണ്. അതുവരാതെ ഇരുന്നാൽ ഇവിടത്തെ കൊപ്രായുടെ വില കുറയുമോ എന്നു നാം ആലോചിക്കണം. അങ്ങിനെ നോക്കുന്നപക്ഷം തിരുവിതാംകൂറിൽ എണ്ണക്കു വിലകൂടാനുള്ള ഒരു മാർഗ്ഗം ഇല്ലാതെ ഇരിയ്ക്കുന്നിടത്തോളംകാലം, വെളിയിലുള്ള വിലകുറഞ്ഞ കൊപ്രാ ഇവിടെ ഇറക്കുമതി ചെയ്യാതിരിക്കുന്നു എങ്കിൽ അതു് തിരുവിതാംകൂറിലെ മില്ലുകൾക്കുകൂടി സ്വല്പം ദൂഷ്യം വരുന്നതാണ്. നേരെമറിച്ചു വെളിയിലുള്ള കൊപ്രാ ഇവിടെ വരാതിരിക്കുന്നപക്ഷം, വെളിയിൽവച്ചുതന്നെ എണ്ണയാക്കി അയക്കാനും സൌകര്യമുണ്ട്. വെളിയിൽ ക്രമാധികമായി വില കുറഞ്ഞിരിക്കുന്ന ഈ അവസരത്തിൽ ആലപ്പുഴയുടെകാര്യം കൂടുതലായി ആലോചിച്ചു ചെയ്യേണ്ട ഒരു കാര്യമാണ്. ഇതിനെ സംബന്ധിച്ചു നമ്മുടെ എക്സൈസ് കമ്മീഷണരുടെ പ്രസംഗംകൊണ്ടു എനിക്കു മനസ്സിലാക്കാൻ സാധിച്ചതു് ഇപ്പോഴത്തെ ഭയംതീരാൻ സൌകര്യമുണ്ടെന്നും അടുത്തകാലത്തു അതുണ്ടാകുകയില്ലെന്നുമാണ്. അതു എത്രത്തോളം ശരിയാണെന്നു തോന്നുന്നില്ല.

അതിനാൽ ഇങ്ങിനെയുള്ള സന്ദർഭങ്ങൾ ഇനിമേൽവരുന്ന അവസരത്തിൽ ഡ്യൂട്ടി സംബന്ധമായ സംഗതികൾ നമുക്കു ഗുണകരമായവിധത്തിൽ തീരുന്നതിനു പ്രവർത്തിക്കേണ്ടതാണ്. ഇതിനെപ്പററി കൂടുതലായി വേറെ വല്ലതും ചെയ്യാനുണ്ടോ എന്നുള്ള സംഗതികൂടി ഇവിടെ ആലോചിക്കണമെന്നു രേഖപ്പെടുത്തിക്കൊണ്ടു എൻെറ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I do not want to make a speech on this topic because our position has been accepted by the Government. No explanation or argument is, therefore, necessary to convince the Government in this matter. But the deplorable effect produced by some members on the other side of the House makes me rise to speak a few words on this motion.

The Ottawa Pact was being discussed in the Assembly. As a maritime State, everybody here ought to know that Travancore is likely to be affected by the discussions going on in the Assembly. Our

[Mr. K. Gopalakrishna Pillai.]

Government have engaged a costly Legal and Constitutional Adviser, and it is his duty mainly to be on the look out when our interests are likely to be affected. My friends on the other side have been telling us that the question was being discussed in the Assembly only during the last three days and that therefore it is too early to expect them to do anything in the matter. Sir, is it not their duty to take immediate action in such very important matters affecting the vital interests of Travancore? Should they not be in the know of things as they take place in British India? As things stand at present I wonder what our representation at the Round Table Conference would have done. I fear our interests would not have been represented there at all. We will know of it only after final conclusions have been arrived at. Perhaps, after everything is settled against as our officers may stand up and say "We come to know of it only a few days back. What can we do?" If such negligence on the officers is not criminal, I wonder what else in the world is criminal. That the question was only very recently discussed in the Assembly is no reason why our interest was not represented there in time. It is only now that we are thinking of sending our representation to the Government of India. What is the use of our sending our representation after final conclusions have been arrived at? In such matters it is absolutely necessary that we raise our voice and make ourselves felt before final conclusions are arrived at. I must therefore say that it was wanton negligence on the part of the Government in not taking timely steps to safeguard our interests.

I am very glad to find that my friend Mr. Karunakaran himself is now studying for the cause of the cocoanut cultivators here. He has all along been advocating the cause of the Mill-owner as against the interests of the producers. Whenever we were urging the abolition of export duties on cocoanut products, he has always been opposing us in the interests of the local millers. Now he realises that the whole cocoanut production in Travancore is at stake; and he himself has moved a motion for protecting the local cocoanut producer. He realises that if the local cocoanut production is hit the local Mill-owners also would be bit and would have to close their mills.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Suppose Ceylon copra is available to the local Mill-owner at a price far lower than that of local copra?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): The Ceylon copra will be sold cheap here only till the local cocoanut production is killed. The price will then surely go up. In the permanent interests of Travancore the local cocoanut producer must be helped and encouraged so that the local industrialist can always depend upon local products. Mr. Karunakaran has, I am glad realised that.

Then, Sir, what are we to do if our representation to the Government of India does not bear any fruit? I think the only solution then

would be to abolish our export duty on our cocoanut products. Will the Government consider that question? That is what I want to know.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, on the whole I am not satisfied with the replies given by the official members. The Chief Secretary, by giving us the history of the tariff question with regard to copra and cocoanut oil, tackled only the theory of the question. I do not think he made any useful observation in regard to the important problem which we have to face immediately.

With regard to the Excise Commissioner he utterly failed to reply to the various arguments raised. With regard to his anticipation or expectation that Ceylon copra would not be coming to Alleppey for sometime to come I want to know the basis for that statement of his. When I asked him about the basis for that speculation of his he said that some Mill-owner at Alleppey told him like that. Sir, I have been studying closely the movement of Ceylon copra into Travancore, and I know that there are mainly two systems of buying copra. The more intelligent and the cleverer Mill-owners buy Ceylon copra on landed weight bans. There is also another system of buying, followed by less intelligent and less experienced business men, under which the merchants go so far as Colombo and purchase it from time to time on C. I. F. basis. These gentlemen have to clear their copra direct from the steamer. They suffer loss of weight and wastage. The former cleverer set of buyers do not suffer any wastage. They have to be given landing weighment. I think the Excise Commissioner interviewed the less fortunate or the less intelligent buyers of copra. Ceylon copra can be imported into Alleppey at Rs. 4 and odd less than its present price if the duty is reduced as is now being proposed.

That is the situation. The reply given by the Excise Commissioner exhibited his poor anticipations in regard to movement of Ceylon copra. He said that Ceylon copra may not be coming to Travancore for sometime to come.

There is another thing that did not satisfy me. The Excise Commissioner was not able to take action with regard to the publication given in the *Western Star* in a leading article and also in *Malayala Rajyam's* leading article. Even in regard to my representation in person, he has not taken any real step in that direction.

Then somebody said about the export duty which I do not wish to enter into for discussion just now. If the Government have assured me that they would send a telegram—am I right in concluding like that?

MR. K. GEORGE (*Chief Secretary to Government*): There was no such assurance from the Government.

MR. K. C. KARUNAKARAN (*Nominated*): Both the Chief Secretary and the Excise Commissioner were not able to satisfy me. The behaviour they have meted out to this important problem from the point of view of agriculturists, especially from the 15th October 1932 onwards, is highly deplorable.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member want the Government of Travancore to send an urgent telegraphic representation to the Government of India?

MR. K. C. KARUNAKARAN (*Nominated*): Yes.

MR. K. GEORGE (*Chief Secretary to Government*): Government accept that.

MR. C. O. MADHAVAN (*Excise Commissioner*): I made mention that Ceylon copra will not come here for some time to come. By that I do not mean that we should not take any action to prevent a reduction in the matter of duty. I only mentioned that for the sake of information to the House. I am only at one with Mr. Karunakaran in thinking that we should do all that lies in our power to prevent any reduction in the import duty on copra that is foreign to India.

DEPUTY PRESIDENT: We will take it that there is no voice against the motion and hence the motion is unanimously passed.

Now, I put it to the House that the House do adjourn on this ground.

The House accepted the motion *nem con.*

The Council adjourned at 5-3 P. M.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT.*)

Monday the 27th Vrischikam 1108/12th December 1932.

The Council re-assembled in the Victoria Jubilee Town Hall at eleven thirty-two of the Clock, the President presiding.

QUESTIONS AND ANSWERS.

Seating accommodation in Criminal and Sessions Courts for under-trial prisoners and parties.

13. **MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*): (1) Are the Government aware that a large section of the public that have to attend law courts and other public offices suffer very much for want of proper waiting convenience and seating accommodation?

(2) Will the Government be pleased to state whether they feel any objection to the provision of seating accommodation in open court for—

(*a*) under-trial prisoners in the dock in Criminal and Sessions Courts; and

(*b*) parties and the public waiting outside the witness box in Civil and Criminal Courts in the mofussil?

MR. K. GEORGE (*Chief Secretary to Government*): (1) The answer is in the negative. Waiting sheds have been provided as far as possible, for the convenience of the public and other clients attending Courts, and action in this direction is also being taken by the Government whenever necessary.

(2) (*a*) The practice at present is not to allow seats to under-trial prisoners, but the Sessions Judges and Magistrates may use their discretion in the matter.

(*b*) The answer is in the negative.

Reduction of land tax on double crop wet lands in Nanjinad.

14. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether they have received petitions from the people of Nanjinad that the land tax on double crop wet lands in Nanjinad should be reduced; and

(*b*) if the answer to part (*a*) is in the affirmative, the action taken by the Government thereon?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) The matter is under consideration.

G. P. T. 1362. 300.

Qualification of teachers in Tamil schools.

15. MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that some teachers in Tamil schools are not qualified in Tamil?

MR. K. GEORGE (*Chief Secretary to Government*): Yes; because the supply of qualified teachers in Tamil is not equal to the demand for them.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): The answer states "Yes; because the supply of qualified teachers in Tamil is not equal to the demand."

Are the Government aware that nearly 1,000 teachers qualified in Tamil are now without employment?

MR. K. GEORGE (*Chief Secretary to Government*): Government are not aware of that.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know the number of applications received in 1107, or in 1106, or in 1108?

MR. K. GEORGE (*Chief Secretary to Government*): I have not got the information now.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that more than 1,000 applications were made to the Chief Inspector of Vernacular Schools by men qualified in Tamil?

MR. K. GEORGE (*Chief Secretary to Government*): Government are not aware.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that the Malayalam teachers now employed in Tamil Schools do not know even the a, b, c, of Tamil?

MR. K. GEORGE (*Chief Secretary to Government*): Government are not aware.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware of the result of the VII class Examination in the Kottaram Tamil School in 1106 and 1107. The result was nil?

MR. K. GEORGE (*Chief Secretary to Government*): Government are aware of the results; but they are not aware that the results are due to the want of Tamil teachers.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Will the Government be pleased to enquire into the cause of the results?

MR. K. GEORGE (*Chief Secretary to Government*): It does not seem to be necessary. When more Tamil qualified teachers are available more of them will be appointed in Tamil Schools.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that, in some of the Tamil Schools in Agastisvaram and Shencotta, owing to want of Tamil teachers, the pupils have made a walkout?

MR. K. GEORGE (*Chief Secretary to Government*): Government are not aware.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether any such incident has been brought to the notice of the Government?

MR. K. GEORGE (*Chief Secretary to Government*): No, so far as I am aware.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Do the Government propose to make an enquiry into the matter?

MR. K. GEORGE (*Chief Secretary to Government*): They do not consider it necessary.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Do the Government realise that the present arrangement of having Malayalam teachers in the Tamil schools in the State will seriously tell upon the Tamil education in the State?

MR. K. GEORGE (*Chief Secretary to Government*): That is a matter of opinion, if the Malayalam teachers in Tamil schools know Malayalam sufficiently well, that will quite do.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the printed answer that has been given is an answer to my question?

MR. K. GEORGE (*Chief Secretary to Government*): It is a perfectly correct answer.

Fruit Farm at Mahadanapuram.

16. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether the Fruit Farm at Mahadanapuram worked at a loss or gain in the years 1106 and 1107;

(*b*) when the Fruit Farm was started;

(*c*) whether the soil below three feet is rocky;

(*d*) whether any graft-mango plant was sold in 1107;

(*e*) whether any graft-guava plant was sold in 1107; and

(*f*) whether the Farm is accessible to officials only or to all men?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) The Fruit Farm worked at a loss in the years 1106 and 1107 since only a very small proportion of the fruit trees planted there were old enough to bear fruit during these years.

(*b*) In 1098 M. E.

(*c*) No.

(*d*) Yes. (120 in number).

(*e*) Yes. (26 in number).

(*f*) The Farm is accessible to any one who wishes to see it.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): With reference to part (*a*), are the Government aware that the farm at Mahadanapuram is not accessible to people dressed in *dhoties* and *tuvartoos*, but accessible only to those wearing coats, collars and neckties?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government are not aware.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether any such instance has been brought to the notice of the Government?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): No.

Extension of the Asaripallam branch channel.

17. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether there is any budget provision in 1108 for land acquisition for extending the Asaripallam branch channel in the Anandanar system;

(*b*) if the answer to part (*a*) is in the affirmative, why the land is not still acquired;

(*c*) the approximate cost of extending the channel; and

(*d*) whether there was a petition from the people stating that they would extend the channel if land is acquired by the Government?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) The proceedings for acquisition are in progress.

(*c*) Rs. 424 including land compensation.

(*d*) Yes.

Removal of silt from the Quilon-Trivandrum canal.

18. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) whether the Chief Engineer has received a petition, dated 27-3-1108, from Mr. M. K. Raman, Secretary, the Travancore Navika Thozhilali Sangham, praying for removing silt at Quilon, Warkala, Nadayara and Channankara in the Quilon-Trivandrum canal; and

(*b*) if the answer to part (*a*) is in the affirmative, the steps taken on the same?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) The Division Officer, Quilon, has orders to attend to it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): With reference to part (*b*), may I know whether orders were issued before the petition was received or after?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Before, in 1931.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am referring to part (*b*), *of question No. 18.*

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The Division Officer's Report was received on 24-9-1932, and it has also been reported that the canal has been completely restored to traffic on 25-1-1108.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Are the Government aware of the contents of the petition dated 27-3-1108, the petition that was given after 25-1-1108?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The Chief Engineer himself had received certain representations before he received the petitions now referred to by the member, and he has himself taken action on them. He had called upon the Division Officer to make immediate arrangements for the work. The Chief Engineer then forwarded the subsequent petitions also to the Division Officer.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether there was any complaint in the petition dated 27-3-1108 that the Division Officers and other subordinate officers have not been attending to the proper upkeep of the canal?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): I think so.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was anything done after receipt of that petition?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Action has been taken. The Division Officer has been asked to attend to the work immediately, and he has reported that one portion of the canal has already been set right and improved.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): After receipt of this petition?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Which portion of the canal, please?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): All that I can now say is that one portion of the canal has already been repaired.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the canal now deep enough for traffic in Warkala, Nadayara and Channankara?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The Division Officer has been asked to attend to the work emergently.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the Division Officer been impressed with the hardship caused to the people owing to the delay in the work, especially in these parts?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Emergent instrtictions have been issued to him to attend to the work.

Allotment under communications for each of the P. W. Divisions.

19. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state the amount allotted in 1108 for each of the P. W. Divisions under Communications?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): A statement of the amounts allotted for each Division is given below:—

Serial No.	*Division.*	*Works.*	*Repairs.*	*Total.*
1	Alwaye	1,04,130	1,78,720	2,82,850
2	Kottayam	1,22,485	2,44,364	3,66,849
3	Quilon	1,44,390	2,68,908	4,13,298
4	Trivandrum	50,563	1,45,810	1,96,373
5	Nagercoil	21,830	1,25,725	1,47,555
		4,43,398	9,63,527	14,06,925

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know why, of all the five Divisions the Nagercoil Division gets a comparatively smaller allotment?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The less developed Divisious now get more. The Nagercoil Division has in past years been getting comparatively very large allotments. It is therefore that the less developed Divisions have now been given more.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that in the Division where very extensive cultivation is carried on, there must be more roads, communications and other public works?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): As a matter of fact, Government *have* bestowed a great deal of attention on the Nagercoil Division in former years. They now consider that more money should be provided for other Divisions.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): What is the percentage of the total allotment that the Nagercoil Division now gets?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The member himself may make the calculation.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I am a poor mathematician, Sir. (*Laughter.*)

Construction of a bridge at Kottuchirapatam ferry.

20. **MR. K. GOPALAKRISHNA PILLAI** (*Parur*): Will the Government be pleased to state:

(*a*) whether any amount is provided for the bridge at Kottuchirapatam ferry in Parur taluk, in the Budget for 1108; and

(*b*) if the answer to part (*a*) is in the affirmative, whether they have issued orders to take up the work, and, if not, why not?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(*a*) Rs. 2,000 has been provided in the Budget for 1108.

(*b*) Yes.

Supply of drinking water to the people of Ulloor.

21. MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Will the Government be pleased to state when sanction was given for sinking a well for supplying drinking water to the people of Ulloor in Trivandrum taluk?

MR. A. KUMARA PILLAI (*Secretary to Government*): On 13-2-1932.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Has anything been done in the direction of carrying out that order into execution?

MR. A. KUMARA PILLAI (*Secretary to Government*): It has been provided for in the Budget for 1108.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Is it likely to be done this year?

MR. A. KUMARA PILLAI (*Secretary to Government*): Of course.

Particulars re the Land Mortgage Bank.

22. MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): With reference to the Land Mortgage Bank started by the Government, will they be pleased to state:

(*a*) the names of the members of the Board of Control;

(*b*) the number of meetings held by the Board till 15-8-1107;

(*c*) the number of applications for loans received by the Bank from the Divisions of Trivandrum, Quilon and Kottayam, separately till 15-8-1107;

(*d*) the number and the amount of loans sanctioned by the Bank till 15-8-1107;

(*e*) the number and the amount of loans actually paid by the Bank till 15-8-1107;

(*f*) the remuneration paid to the members of the Board of Control;

(*g*) whether the Manager of the Bank is a permanent incumbent now, and, if not, why; and

(*h*) whether, for sanctioning any loan, the Manager should consult the Board of Control?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*):

(*a*) 1 R. Nilakanta Pillai Esquire, B. A., B. L., Account Officer,—Chairman.

2 Rao Sahib Dr. N. Kunjan Pillai, M. A., B. SC., Ph. D., Census Commissioner in charge of the duties of the Registrar of Co-operative Societies.

3 T. R. Reghunatha Aiyangar Esquire, B. A., M. L. Head Sirkar Vakil.

4 K. Paramesvaran Pillai Esquire, B. A., B. SC., F. C. S., Director of Agriculture & Fisheries.

5 P. V. Paulose Esquire, B. A., Manager, Land Mortgage Bank,

[Mr. R. Nilakanta Pillai.]

6 Rao Sahib T. Padmanabha Rao Esquire, Nominated, non-official member.

7 T. Kumara Pillai Esquire, Nominated non-official member.

(b) 3 meetings till 15-8-1107 (the bank was opened on 10-6-1107)

(c) Trivandrum	16	applications.
Quilon	50	Do.
Kottayam	39	Do.

(d) and (e) Nil. The Bank was opened in Makaram 1107 and loans were first sanctioned in Medam 1107, when the first batch of applications were received back after local investigation by Tahsildars.

(f) Nil.

(g) The Manager has not been made permanent in the post.

(h) Under Rule 27 of the State Land Mortgage Bank Rules (original) loan has to be granted by a resolution of the Board.

Enquiry into the condition of labour in Travancore.

23. **MR. K. GOPALAKRISHNA PILLAI** (*Parur*) : Will the Government be pleased to state:

(a) whether they have given up the idea of conducting an enquiry into the condition of labour in Travancore ; and

(b) the circumstances that led to the abandonment ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(a) and (b) No enquiry into the condition of labour in Travancore was ever proposed by the Government.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Are the Government aware that the Malayalam papers published a statment to the effect that Government have given up the idea of enquiring into the condition of labour in Travancore?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Government are not aware.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : In view of the economic depression prevailing in the land, will the Government be pleased to conduct an enquiry into the condition of labour ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government do not consider it necessary.

LEGISLATIVE BUSINESS.

MR. K. C. CHANDI (*Minachil cum Devicolam*) : I rise to a point of order, Sir. Is it permissible to introduce a new business when the business already before the House has not been disposed of. The Chitties Regulation Amendment Bill was being discussed and Dr. N. Kunjan Pillai was in possession of the House when we adjourned yesterday.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government have the right to arrange their business according as they desire.

THE MUNICIPAL REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Municipal Regulation Amendment Bill, and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

Clauses 1 and 2.

The question that clauses 1 and 2 do form part of the Bill was then put to the vote of the House and carried.

The clauses were added to the Bill.

Clause 3.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I beg to move that in clause 3, for the words "*not below five per cent.*" the words *not exceeding five per cent.*" may be substituted.

Clause 3 of the Bill relates to Section 61, sub-section (7) which reads thus:—

> "Any Municipal Council..........may impose all or any one or more of the following taxes, that is to say:—...."
>
> "(7) A yearly water and drainage tax on buildings or lands or both not exceeding five per cent. of the annual value of the building or land or both upon which the tax is imposed.'

The present Bill seeks to convert the *maximum* of 5 per cent. into a *minimum* of 5 per cent. The necessity for the change I propose is obvious. I believe, Sir, I would not be accused of any disrespect to this House when I say that in a responsible legislative body like this I need not advance any argument or reason in support of my amendment. I have never come across in any statute of this kind a provision like the one now sought to be introduced into our Municipal Regulation. The Law member wants to have it that water and drainage tax, whenever it is levied, should be not *below* five per cent. of the annual rental value of the house or building concerned. Before going into the merits of the question from the standpoint of the man, who has to pay, purely from the standpoint of the legislator, I may point out to the House the absurdity of the proposition. What does the provision in the Bill mean? Whenever water tax is to be livied it should not be *below* five per cent. of the annual rental of the house concerned. Suppose the Quilon Municipality, for instance, is able to devise a water supply scheme under which it would be able to work it without any loss by levying from the rate-payers nothing more than 1 per cent. of the annual rental value as water cess. The Law Member insists that *not less than five per cent. must be* levied by the Municipality.

MR. P. S. MAHOMED (*Nominated*): ഇപ്പോൾ ഉപയോഗത്തിലിരിക്കുന്ന റഗുലേഷനനുസരിച്ച് എത്ര ശതമാനമാണ്?

MR. A. THANU PILLAI (*Trivandrum*): ഇപ്പോഴിരിക്കുന്ന റഗുലേഷനനുസരിച്ച് മാക്സിമം ൫ ശതമാനമാണ്. ഇപ്പോൾ നടപ്പിൽ വരു

[Mr. A. Thanu Pillai.]

വരാൻ പോകുന്ന നിയമത്തിൽ മിനിമമാണ് ൫ ശതമാനം വച്ചിരിക്കുന്നതു്. വാട്ടർസപ്ലൈസ്കീം ശരിയായി നടത്തുന്നതിനുള്ള ചിലവുനോക്കുമ്പോഴും ൫ ശതമാനത്തിന്മേൽ പിരിച്ചേതീരൂ എന്നാണ് ഇപ്പോഴത്തെ വകുപ്പു്. അതുപാടില്ല, അഞ്ചുശതമാനത്തിന്മേൽ പിരിക്കരുതെന്നാണ് എന്റെ വാദം.

Sir, I may be excused if I say that the provision now in the Bill looks absurd. The result of it will be this. No Municipality will be able to resort to water supply or drainage schemes unless it is prepared to levy *not less than five per cent*, of the annual rental of houses and other buildings. Is it expected of this legislative body to accord its approval to such a provision? That is the first question that I would put to my brother members here. I do not think it is necessary for me to dicuss the point further. The absurdity of it is manifest.

The next point that I wish to refer to is this. Government now want this legislative body, consisting of a majority of elected representatives of the people, to pass a law which will empower Government to do things in violation of the principles underlying municipal administration and self-government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will it be acceptable to the member if the whole provision relating to the fixing of the rate is taken away from the Bill so that it would be left to the discretion of individual municipalities?

MR. A. THANU PILLAI (*Trivandrum*): I object to that; but that is not the point now before us. I should rather say that the legislature of the country should fix the *maximum* of such cess in the interest of the State as a whole. I think we would be going too far if we trust the municipalities to that extent and give them extensive and unrestricted powers. We can no doubt trust the municipalites with *ample* powers but not with *unrestricted* powers.

Sir, I may refer to one or two passages in the speech delivered by the then Dewan-President of the Council when the present Municipal Regulation, Regulation V of 1095, was passed in 1094. This is what the Dewan says:—

> "It has been recognised that local self-government is a conscious process of the *administrative devolution* and *political education*, and the Bill has been so framed as to achieve this twofold object."

I want the House to mark the two expressions "*administrative devolution*" and "*political education*". Later on he says:

> "I avail myself of this opportunity to assure the Council, and through the Council the public, that the control which the Government henceforth exercise over municipalities will be more from without than from within-will be more *advisory* than *mandatory* and that such exercise is necessary in the interests of the ratepayers themselves."

Sir, I ask, in all earnestness, are we not going behind this declaration of policy by Government. The Dewan has clearly stated that the

control which the Government will henceforth exercise would be more *advisory* than *mandatory*. In this Bill it is proposed to invest Government with powers which are of an absolutely mandatory character. Sir, the municipality is the best body to judge the paying capacity of the ratepayers, or the necessity for any water supply or drainage scheme. The Government, according to this Bill, want power to step in and say "You stand aside. You have nothing to do with this matter. We will have our way, our own schemes. But we will not meet the necessary expenditure for the schemes, we will ask you to divert your funds and to levy cess which may be beyond the ratepayers' ability to pay. We will compel you to do it; and you must do it." That is what the Government are now being empowered to do; and now the Law Member wants us, the non-official members to give our approval to a provision which seeks to invest the Government with such power. Sir, is it not against all standards of municipal administration and against the declared policy of the Government of Travancore. I wonder what this side of the House will say to the Law Member when he wants us to approve of this provision. I must confess that I was disappointed at the report of the Select Committee, which consists of 3 official and 3 non-official members including myself, when they passed this provision. I alone took the view that this provision should not be passed. All the other non-officials agreed with the official members in empowering the Government to compel the Municipalities to collect not less than 5 per cent. I may also submit that one of the two other non-official members happens to be an Ex-President of a municipality. I thought however that it was my duty to raise my emphatic protest against the present provision.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Suppose it is found on the actual working of a scheme that even 5 per cent would not be enough. What would the member suggest in such circumstances ?

MR. A. THANU PILLAI (*Trivandrum*) : I would advise the municipality to consider the paying capacity of the ratepayers before they actually put into effect of a scheme. They must consider the financial aspect of the scheme before they begin the actual working of it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : When the amendment now proposed by the member comes into effect, will it not prevent a municipality, that actually has to levy more than 5, per cent and the ratepayers who are willing to pay so much, from levying and paying more than 5 per cent ?

MR. A. THANU PILLAI (*Trivandrum*) : The present Municipal Regulation has been in existence so long; no occasion has arisen so far for the amendment now proposed. Sir, there may be ever so many schemes which may be of use to the public: but we must see whether the people can pay for it. That is the first consideration.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvankad*) : Has your municipality stated anything in regard to the provision now under discussion ?

MR. A. THANU PILLAI (*Trivandrum*): Yes, that is my information; it is for the official members to contradict it. I am informed that the municipality has passed a resolution that the provision in the Regulation now in force should not be altered to the detriment of the ratepayers, who, in Travancore, cannot afford to pay more than 5 per cent. of the annual rental value as water cess alone.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the Trivandrum Municipality contributed anything towards the Trivandrum Water Supply Scheme?

MR. A. THANU PILLAI (*Trivandrum*): Sir, any member who had opportunity of listening to the debates in this Council on the last occasion would not put this question because it was stated, clearly and definitely, that the municipality does not contribute anything. Merely because the municipality does not contribute does it mean that any amount can be levied from the people of the municipality? Is that the necessary corollary? I cannot see the logic of the proposition.

MR. A. S. DAMODARAN ASAN (*Mavleikara* cum *Kartikapalli*). I merely wanted an answer to my question.

MR. A. THANU PILLAI (*Trivandrum*): The Government members told us candidly last time that Government decided to carry out the scheme.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did not the Government members then say that the Triandrum Municipality requested the Government to start a water supply scheme?

MR. A. THANU PILLAI (*Trivandrum*); True; but it was also admitted on behalf of Government that they did not place the scheme before the municipality in all its aspects, especially the financial aspect of it. They did not ask the municipality what the ratepayers would be able to pay. They did not even inform the municipality what payment they expect from the ratepayers. Facts and figures were not placed before the municipality. All that the municipality said was that they wanted good water. That does not mean that the Government may spend any amount they like, import any number of costly pipes they like even years before they were actually required and charge the municipality also the interest on the huge outlay on the pipes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Was the municipality aware of the fact that the work was being conducted?

MR. A. THANU PILLAI (*Trivandrum*): Sir, does the Law member seriously put to me the question whether the Trivandrum Municipality was aware of the work done by the Water Works Department?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it that the only representative of the only municipality in Travancore which is represented here is not able to answer my simple question?

MR. A. THANU PILLAI (*Trivandrum*): Sir, even a child in Trivandrum knows that the work is being carried on.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); May I ask the further question whether the municipality protested or asked for information as to the financial aspect of the scheme, from the Government?

MR A. THANU PILLAI (*Trivandrum*): It is for the Government to give us the necessary information.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it that the member is not aware whether the municipality protested or not?

MR. A. THANU PILLAI (*Trivandrum*); Why should the municipality protest?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member kindly answer my question?

MR. A. THANU PILLAI (*Trivandrum*): The municipality when they found the Government carrying on the work, naturally thought that the Government were prepared to meet the expenditure. At any rate, we never expected that the municipality would be asked to contribute. Personally, I admit I do not know what actually transpired between the municipality and the Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it that the only representative of the only municipality in Travancore which is represented here did not care to ascertain facts about this important matter?

MR. A. THANU PILLAI (*Trivandrum*): Sir, I do not understand the emphasis laid by the Law Member on the only representative of the only municipality in Travancore represented here. I admit I happen to be such a representative. But I am not able to see his point. Anyhow I do not wish to stress that point further.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it the member's point that the municipality could not be expected to have any objection to a drainage and water supply scheme graciously conferred upon it by the Government?

MR. A. THANU PILLAI (*Trivandrum*): That is just my point. Government very graciously, very generously launched upon the scheme so useful and necessary for Trivandrum. Why should the Municipality come forward and say "You should not do it; it is none of your business."

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was the member aware before the scheme was started, that the municipality would be asked to contribute something towards the scheme either in a lump or by way of a cess?

MR. A. THANU PILLAI (*Trivandrum*): On the contrary I am aware that the Government did *not* make any such demand.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What was the position of the municipality in regard to the rate of assessment when the scheme was started?

MR. A. THANU PILLAI (*Trivandrum*): That is exactly the real point that I want the House to consider now. The *maximum* of assessment permissible was only 5 per cent. when the work was started. Government ought to have brought forward the present amending Bill before they decided upon the scheme. The questions put by the Law Member do not lead us anywhere. I do not see his point.

Anyhow, Sir, in the interest of municipal administration in Travancore not only in Trivandrum but throughout Travancore, I should strongly protest against the provision in the Bill. I want to emphasise the fact that this Bill is not to affect the Trivandrum Municipality alone. It affects all the municipalities in the State. My friends, I submit, must remember that fact. I submit it would be a great mistake if they lose sight of it simply because it is only the people of Trivandrum that are going to be *immediately* affected by it. It is the wording of the provision that the House must consider.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did the municipality express its views at the Select Committee stage of the Bill?

MR. A. THANU PILLAI (*Trivandrum*): I do not know that definitely.

Coming to the actual details of the position, on a calculation, Government say that a cess of $9\frac{1}{2}$ or 10 per cent. would have to be collected. But, no accurate figures are forthcoming. Further, when this Bill was introduced we were told that we would be getting water within 1108; but as things stand at present, considering the progress of the work, I do not think that would be possible.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Has the member any idea as to the money now spent by the people of Trivandrum for getting water for their use?

MR. A. THANU PILLAI (*Trivandrum*): We get water from our wells. I do not think it involves any expenditure in a large majority of cases.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Servants are maintained in every house, I suppose for drawing water. ?

MR. A. THANU PILLAI (*Trivandrum*): It is only the high-paid officers and other rich people that maintain servants for this purpose. The majority of the people of Trivandrum, most of the people living in Manakad, Peruntanni, Nandankode and other places, are poor and they do not spend anything now for their water. It is a great mistake to suppose that the majority of the people in this town are rich enough to employ servants.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the municipality now spend anything for the supply of water for their needs?

MR. A. THANU PILLAI (*Trivandrum*): I admit that a small amount is being spent now by the municipality just for a few months in the year during hot weather.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does not the member think that drawing water is a good exercise for our women, girls and boys?

MR. A. THANU PILLAI (*Trivandrum*): That is for a doctor like my friend to say.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At least to give our women some relief, should we not be prepared to pay not less than 5 per cent. as water cess?

MRS. ANNA CHANDI (*Nominated*): Was there any deputation from the ladies of Trivandrum to the Law Member or to the Government for relief from drawing water from wells?

MR. A. THANU PILLAI (*Trivandrum*): I do not know what has transpired between the ladies of Trivandrum and the Government or the law member.

MRS. ANNA CHANDI (*Nominated*): May I assure the member that there was none?

MR. A. THANU PILLAI (*Trivandrum*) I am very glad to know that. Our ladies do want some exercise at home, Sir, unlike ladies in the West who, by temperament, training and custom, freely take to outdoor exercise, and they do their household work quite willingly.

Sir, I consulted several people in Trivandrum, as to what they would consider a reasonable rate of water cess after pipe water is supplied to the town. They are all surprised and ask me "Are we to pay for it? We do not spend a pie for water now." I know for a fact that, in most cases, even the present $2\frac{1}{2}$ per cent. municipal house tax many people in the town find it difficult to pay. The real condition of the people of Trivandrum should not be judged by that of the officers living in the town or other rich people. But good water is needed not only in the interest of the Trivandrum citizen, but in the interest of the citizens of the State as a whole. It is also for the people who come here from Muvattupuzha, Todupuzha, and other places; boys and girls who study in our colleges and people who stay here, and for people who come to attend the meetings of the Legislative Council and of the Popular Assembly and people who come here for business in the High Court. It is in the interests of all the people in the State. It is in the interest of the health of the whole people of the State and not of the people of Vanchiyoor or of Peruntanni alone. If the Government spend out of the State revenue, my friends should not, therefore, grudge it. If necessary, some items of unnecesary expenditure should be cut down for this purpose. There is no meaning in asking a man who happens to own a house in Trivandrum to bear the burden. I think I have made my position clear. I again request the members on this side of the House to bear in mind the fact that the present attempt of the Government is to compel these municipalties and other representative bodies to pay against their will. Government want them to pay whatever they want them to pay. Let the elected

[Mr. A. Thanu Pillai.]

representatives of this House take note of that. The existing Regulation gives ample powers. Under it the municipality alone has the power to work a water supply scheme. Now Government take that power. I have no objection to that. But if Government do so they should meet the cost. Let these facts be borne in mind by members on this side of the House. The measure is not for the Trivandrum town alone but for the whole State. It involves a very great principle.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Has the member any idea of water rates in other places ?

MR. A. THANU PILLAI (*Trivandrum*) : Varying rates prevail in different places. The Chief Secretary told us that in some places it is 4 and in some 4½ per cent. It is for the Government to provide the figures because it is they who want to change the existing law.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Will a man at Parur get the same rent for his building as a man in Trivandrum ?

MR. A. THANU PILLAI (*Trivandrum*) : I do not say that they can get the same rent as here. But perhaps in Parur, houses may fetch a higher rent than in some parts of Trivandrum. I can show my friend houses here to which access is by long lanes. Such houses here will fetch a lower rent than in Parur.

PRESIDENT : You are wandering from the point.

MR A. THANU PILLAI (*Trivandrum*) : Yes, Sir, because a question was put to me whether houses in Parur will fetch the same rent as houses in Trivandrum.

I do not wish to speak further on this. I leave it to the House to consider whether they will be justified in supporting the provision of the Bill.

PRESIDENT : Anybody supporting the amendment ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, in opposing this amendment, I must reiterate what I said at the introduction of the Bill that although the provisions of the Bill are worded generally to apply to all municipalities, I have really no objection to make it apply to the Trivandrum Municipality alone. I have also explained that Government undertook a large water supply scheme costing a huge amount mainly on account of the request of the Trivandrum Municipality conveyed by means of a resolution forwarded to Government, and also by a representation made by the Trivandrum Municipal Council Representative at the Sree Mulam Popular Assembly.

MR. E.V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I hear the wording of the resolution sent by the municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the text of it now. I think I read it on the last occasion.

So, the real object of Government was to make some special provision relating to the Trivandrum Municipality not that the other municipalities do not stand in need of any special provision in regard to water supply. Only the immediate occasion was to make some special provision in regard to the Trivandrum Municipality. I also said that Government had in view a general amending law in regard to the municipalities of the mofussil towns; In fact the City Municipal Bill has already been published by the Government and the Mofussil Municipal Bill is under preparation. Both these Bills will be introduced before the legislature. Until these Bills become law we must have some law in force particularly in view of the Trivandrum Water Supply Scheme. Hence the present Bill. This is really intended to apply to the Trivandrum Municipality alone. If any body feels any apprehension that it may be applied to other municipalities also, I am prepared to accept an amendment that it shall not be applied to other municipalities.

MR. RAMA VARMA RAJA (*Edavagai*): അതു തെളിച്ചു പറയത
തൊ ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു പറയുവാൻ പോവുകയാണു്.

No body need think that before the next Bill is introduced and passed this measure will be applied to any municipality other than Trivandrum.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there is anything preventing a municipality from introducing a water supply scheme to that municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether this statement now made in view of the provision of the Bill is merely to secure votes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have already stated that I am prepared to accept any amendment that this provision shall apply to the Trivandrum Municipality alone.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Has not the Alleppey Municipality agitated for a water supply scheme?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have moved Government to that effect.

Members need not be under the impression that this is intended to apply to municipalities other than the Trivandrum Municipality.

MR. A. THANU PILLAI (*Trivandrum*): What objection has the member in accepting my amendment in regard to other municipalities?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are now considering only about the Trivandrum Municipality.

As already stated, on a representation made by the Trivandrum Municipality, Government undertook a large water supply scheme which is likely to cost between 46 or 47 lakhs of rupees, and the work is nearing completion and perhaps water will be supplied in the course of this year. It is only natural that provision should be made to collect a water cess. As a matter of fact, the municipality must be prepared for a minimum of five per cent. because Government have undertaken a costly water supply scheme; and the House knows what the working expenses will be. The working expenses, at a very conservative estimate, would come to 1 or 1½ lakhs of rupees per annum. The house tax at present amounts to Rs. 23,000 per annum at 2½ per cent. Unless we got one lakh of rupees we would not be able to meet the working expenses. We do not now ask the people to contribute towards the capital outlay or the interest on it. The working expenses come to one lakh odd per year and the Trivandrum Municipality will have in order to pay for that impose a tax of not less than 5 per cent. of the annual rentals. It is not that the premier municipality should be subjected to the yoke of the Government. It is infact necessary that the municipality should impose a tax of not less than five per cent.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If the Government are convinced that seven per cent. taxation is necessary, are they not empowered under the Bill to impose that rate of cess?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No less than 5 per cent. will be required. When Government know it it is only fair that they enact that the municipality should impose that tax.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the statement that the working expenses will come to only a lakh of rupees is deliberately made and that tax need be imposed only to that extent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not understand the question. Will the member repeat the question?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Law Member said that it is not the intention of the Government to impose upon the municipality any tax as contribution towards the outlay or the interest on it, and that only one lakh of rupees would be required for working expenses. Do the Government intent to tax only to that extent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall explain that. Government have not come to any decision as to whether the municipality should pay a portion of the capital cost or not. This one lakh or so will cover the working expenses only and the minimum of five per cent is fixed for that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Granting that one lakh is required for working expenses, how is the Law Member sure

that not less than five per cent. would be required to meet it. On what basis has he made that calculation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; When a 2½% taxation now yields Rs. 23,000 double of 2½ *i. e.* 5 per cent will yield Rs. 46,000, or Rs. 50,000 at the most.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Is there any objection in fixing the maximum also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Unless the maximum is fixed very high I should object to it.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Approximately what will be the maximum?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Perhaps some 15 or 20 per cent. I may say that there is very great objection to the maximum being fixed unless it is fixed very high. In any event I am not agreeable to Mr. Thanu Pillai's amendment "*not exeeding five per cent*" If the House wishes that the words "*not less than five per cent*" should be taken off so that there would be no minimum or maximum, and it would be left to the discretion of each municipality I have no objection to that.

But I cannot accept Mr. Thanu Pillai's amendment. I must also say that the House must consider the actual facts of the situation. It is Government that started this work, and therefore Government should have the power to work the supply themselves. And if they have power to work the supply, the cost for working such supply has to be found. And they must ask the municipality to pay for it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ; If this provision is intended to apply to the Trivandrum Municipality, is there any difficulty for the Government to make the necessary calculations and fix the percentage once for all?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Then they will be going too much into the details. They will declare only the maximum. In determining the amount necessary now and for the immediate future, all that will be too much for the purpose of making provision in the amendment Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government intend that the full amount required for the working expenses should be realised by way of tax from the municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, that is the view of the Government at present.

MR. A. THANU PILLAI (*Trivandrum*) : May I know what it is that the Government really propose to levy if they succeed in getting this provision accepted by the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Government do not propose to levy the full tax themselves, of course.

MR. A. THANU PILLAI (*Trivandrum*) : What is it that the Government will ask the municipality to levy if this Bill becomes law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; What the Government will do is to ask the municipality to

supply a lakh of rupees or so. The municipality will be enabled to find that money by taxation.

MR. RAMA VARMA RAJA (*Eduvagai*) : അങ്ങിനെപറയുന്ന സമയത്തു അത്രടാക്സ് ചെയ്യാൻ വയ്യാ എന്നു മുനിസിപ്പാലിററിയിൽ നിന്നും പറയുകയാണെങ്കിൽ എന്തുചെയ്യും.?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അങ്ങിനെ മുനസിപ്പാലിററിയിൽ നിന്നും പറയുന്നതു ന്യായമാണൊ?

MR. RAMA VARMA RAJA (*Eduvagai*) മുനിസിപ്പാലിററിയെകൊണ്ടു സാധിച്ചില്ലെങ്കിലോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ മുമ്പു പറഞ്ഞതൊക്കെ ആലോചിച്ചശേഷം വേണ്ടവണ്ണം ബഡ്ജററിൽ ചേർത്തു ഈ സഭയിൽ കൊണ്ടുവരാം; ഈ സഭ സമ്മതിച്ചാൽ മാത്രമേ അതു നടപ്പാകുകയൊള്ളു.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, what I wish to know is whether Government are in a position to tell the House the maximum percentage of the annual rental that they would undertake not to exceed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government will not ask the municipality to give two lakhs of rupees. Government will only ask for whatever is necessary. Government will ask them to contribute a lump sum to cover the working expenses when they make the supply.

MR. A. THANU PILLAI (*Trivandrum*) : In view of the amount that Government would ask the municipality to contribute, I want to know what would be the percentage which would not be exceeded ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government cannot give any undertaking on that point; Government will ask the municipality to contribute a sum which will be settled after negotiation with the municipality. I am prepared to consider any amendment which will fix neither a minimum nor a maximum. As it is, I have to oppose Mr. Thanu Pillai's amendment.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, while we are on this amendment I want to get cleared certain points by the Law Member. The Law Member has told the House that this provision is intended almost exclusively for the Trivandrum Municipality, because on a rough calculation it was found that not less than 5 per cent. of the rate fixed here will be found necessary for the working expenses of the Trivandrum Water Works. Just to save the other municipalities from this arbitrary fixing of the rate, he has assured the House that he would drop the amendment in regard to the other municipalities. In that case, I do not know how far he will succeed in fixing the limit. Unless it be that he has consulted the various municipalities concerned, it will not be possible for him to fix the percentage. It was on a pure

calculation that he found that the Trivandrum Municipality will have to be called upon to levy the rate specified in the Bill. Suppose the Alleppey Municipality finds it convenient to carry on a water works scheme and also to supply the necessary water for the ratepayers there at a rate, say, of 2 per cent. and the Quilon Municipality finds it convenient to levy 10 per cent. will it be possible for them to do so?

The rates differ according to the various municipalities that engage themselves in working a scheme. So we are not in a position to speak for or against his amendment unless the Law Member brings forward the amendment he has promissed to frame in regard to this provision.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I have to say a word on this subject. The Bill as reported by the Select Committee, --

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is the member for or against the amendment?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am speaking upon the amendment. The member could hear me and come to his own conclusions. The Bill as drafted by the Select Committee fixes a minimum percentage. This House is asked to pass a legislation which does not fix a maximum. This is a Bill which wants to tax the people and we the representatives of the people should not give the Government and the municipal council unrestricted powers to impose any tax they please upon the residents of the municipality or the subjects of the State. On that ground, I think this 5 per cent. minimum suggested in the Bill should not be accepted. But I am unable to accept Mr. Thanu Pillai's amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether he will accept the next amendment which stands in my name?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): After hearing the member, on his amendment I will be able to say that.

Mr. Thanu Pillai wants it to be 5 per cent maximum. Sir, I am one who holds the view that we should not tax the poor people in the country parts for the benefits of the people in the town. So it is not proper to ask the general taxpayers to pay for the comforts of the people in the metropolis. Mr. Thanu Pillai was saying that people in the country parts also enjoyed the amenities in the Trivandrum Town. The Trivandrum people need not pay for that. There are so many advantages which are derived by the people of the metropolis which are not enjoyed by the people in the mofussil and so I do not think that we could compare the position of the people here with that of the people in the country and say that the people in the town deserve support or deserve to be benefited exclusively at the expense of the people in the country.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will the member concede that the expenditure voted upon during Budget time for the various taluks of this State are in proportion to the income derived from those taluks?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not say that. That must depend upon the needs of the particular locality.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In that case, if some more income is derived from the Trivandrum town or from the Trivandrum taluk will the member be prepared to concede that no other taluk should make a demand upon that income?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not say anything like that. Probably the member has not followed what I was saying. I am sorry.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What would Mr. Asan have said if the Trivandrum Municipality kept cholera nurseries for the benefit of the Mavelikara people?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not know anything about that. If the learned doctor will explain that, I will be able to answer him.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will he pay from general revenues the salaries and other charges of the surgeons and staff deputed for plague duty at Peermade and outside Travancore?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The State will pay.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): And not the people of Peermade?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The State will pay.

If this 5 per cent maximum is to be fixed by the Government, my fear is that it will handicap the progress of other municipalities as well. As far as the Trivandrum town is concerned, Government have invested a large sum of money. They could not retract from that. The people of Trivandrum have not undertaken to pay the interest and working expenses of the water supply scheme. Because they have not undertaken to pay that, they are not bound to pay that. But if this 5 per cent is fixed, I fear Alleppy and other municipalities will be unable to launch upon any water works scheme. This House should hesitate to sanction such a provision. It is not in the interest of other municipalities to have a maximum.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law member has undertaken to draft an amendment to that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What I am saying is that it is not advisable to accept Mr. Thanu Pillai's amendment.

MR. A. THANU PILLAI (*Trivandrum*): Am I to understand that the member is saying that a maximum *should be* fixed or that it *should not be* fixed?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If the member had heard my first sentence he could have understood

that I stated that Government should not be given unrestricted powers to impose taxes upon the inhabitants of this municipality or the subjects of this State.

MR. A. THANU PILLAI (*Trivandrum*) : Does he say that a maximum should not be fixed ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I have already stated my views about that. But I think this 5 per cent. maximum, if passed by this House, will be unfair to the State as a whole and will work detrimentally to the progress of other municipalities. So, what I have just to say is that Government should fix the maximum Let it be 20 or 25 per cent. I do not say anything about what the maximum should be. That will depend upon the investment they have to make and other circumstances. But a maximum should be fixed. We, the representatives of the people would not give Government unrestricted powers of taxation over these municipalities.

PRESIDENT : Before you go on, I would like to ask Mr. Thanu Pillai what he thinks about the suggestion of the Law Member ?

MR. A. THANU PILLAI (*Trivandrum*) : There is no specific offer made, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said that I will cut off the 5 per cent minimum.

MR. A. THANU PILLAI (*Trivandrum*) : While he is prepared to cut off the minimum of 5 per cent, the Law Member seems to lay emphasis on the provisions of the proposed Section 199 (3) which reads thus :

> "Notwithstanding anything contained in sub-section (2), it shall be lawful for Our Government to work the Government water supply system through their own officers, and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government."

He laid emphasis on that provision and he said that Government will be making use of that provision. Whatever the municipality collected it will be asked to divert its funds for making this contribution. Then I put this question what proportion to the annual rental that amount will bear. He said he is not in a position to tell the House. That is his position. I do not see any good in accepting this proposal. I would rather see that my amendment is lost and the Trivandrum and other Municipalities pay not less than 5 per cent. than accept his statement. If he is not prepared to fix a minimum I am not prepared to accept his proposal either.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, one word in explanation of Mr. Thanu Pillai's amendment. So far as I have been able to understand, the proposed Bill contravenes one of the fundamental rules relating to the power of taxation that is conferred upon municipalities. A reading of Section 61 would clearly establish this fact. The Municipal Regulation was enacted for the purpose of conferring autonomous rights on local institutions. The power of taxation is a sovereign right and it is sought to be delegated in some

[Mr. S. Krishna Pillai.]

cases to municipal councils. Section 61 deals with this right and with the question of delegation of the power of taxation. The Government thought that municipal councils should be given the power which is subject to certain well-regulated rules, a power which is fixed within well-marked limits. An unlimited power of taxation conferred upon a municipality was considered at the time this Regulation ws passed to be unsafe and I am now not in a position to say that that position has in any way been altered. Section 61 is very clear on this point. Except in regard to the power of imposing taxes on buildings and lands where the minimum is fixed, in every other case, that is in clauses 1 to 7 the legislature has thought it fit to limit the maximum. Under clauses 2, 3, 4 and 5, they have put a schedule which says what shall be the tax which will be imposed under various conditions. In fact, clauses 1 to 7 fix the maximum amount of taxation. Now. any piece of legislation which seeks to cut at the root of this principle has to be very strenuously opposed. It is on this ground that I now seek to support Mr. Thanu Pillai's amendment.

The learned Law Member made two alternative proposals; one was that he had no objection in putting in an amendment which would show that this law applies only to the Trivandrum Municipality. The second was that the Travancore Government without taking into consideration the actual cost of working out a scheme like this without understanding what exactly is the rate at which the citizens of the Trivandrum Municipality will have to be taxed, embarked upon an undertaking which has cost them a pretty good amount.

The Government, after having spent this amount, now find themselves faced with an inconvenient clause (7), Section 61. Therefore. the Law Member representing Government comes forwarded to this House with an open mind and says thus. "We now propose to take the Legislature into our confidence. We do not want to keep anything out of your understanding. We now come forward to lay before you the blunders committed by us. We embarked upon a scheme without looking into the actual working expenses. We never bestowed thought on it and hence the blunder," And so, he pleads that the Legislature should come to their aid and that this is the fittest time for them to openly confess their wrongs. If we did not go to their rescue then the Government stand to lose. When such an argument is advanced, it has a tendency to bring into prominence the poor countrymen's cause with greater emphasis. I am certainly not in sympathy with the poor countryman's cause in this particular case, because he will be the worst affected in this particular instance. If as, Mr. Asan says, a poor countryman is to be taxed for the comforts and amenities which others enjoy, I can understand the correctness and the exact importance of that argument pleaded on behalf of a poor countryman. If he were to come to Trivandrum, and, as Mr. Madhavan Pillai put it, to be bred from the cholera nursery in the Trivandrum own, I suppose he will take it to his village and cause a lot of

mischief to the poor villagers. He is there without proper medical aid and proper funds to help himself in a very bad predicament. Rather than face that catastrophe, he will also contribute a small portion. I am not very much enamoured of the poor countryman's argument. The blunder that the Trivandrum Municipality has committed so far as I have been able to see in this connection, is that the Government undertook this business without reading and understanding what Section 61 meant. When the municipalities were constituted, the right to impose taxation was given to them with the sanction of this House. At that time, they ought to have thought not to embark on such schemes without calculating the actual working expenses. To come forward and now say that they are helpless and that a power should be conferred upon the Trivandrum Municipality, *viz.*, the right to impose a tax beyond all limits, that, I say, Sir, should never be conferred upon it. The policy of the legislature has always been to lay the maximum tax that could be imposed on a citizen. The amendment now under discussion breaks that rule fundamentally. This Bill as it stands now fixes a minimum and not a maximum. That should never be permitted. The obvious injustice of the amendment is this: the Trivandrum Municipality is asked to levy a tax, the minimum of which is fixed. Then it can be asked to collect up to 100 per cent. or 200 per cent. or even 1000 per cent. of the rental value of the land and buildings. It is on that basis taxation is sought to be imposed. But the Law Member said that the Government are taking the Legislature into their confidence. I asked him whether he could not take the municipality into their confidence. Well, here is a scheme started for the benefit of the Municipality and as such the municipality should do all it can to promote the beneficent effects of the scheme to the people in the locality. The Law Member assured us that with the 2½ per cent. collected on the value of Land and buildings in the municipal limits, the working expenses could not be met. I asked the Law Member and the Government whether they have no confidence in the municipality. They simply said that Government will carry on this work. The municipality which was consulted said that it will not contribute more than 2½ per cent. We know as a matter of fact that the Government have spent enormous sums of money on this account. They are now driven into a position out of which they cannot escape and therefore cannot but carry on their work. In that circumstance, is it reasonable on the part of the Trivandrum Municipality to say that they can contribute only 2½ per cent and not more. That is the point raised by Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): In that case, where can they find funds to pay if the municipality has not got sufficient funds?

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is why I say why a maximum that has to be paid by a municipality should be fixed and not a minimum.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Is it under the existing Regulation you want to enact such an amendment?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes, under the existing Regulation. I ask the Law Member instead of fixing a minimum, why not fix a higher maximum within which the municipality may be empowered to impose a tax. Instead of taking the Legislature into confidence, why not take the municipality into their confidence?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : If Government take the Trivandrum Municipality into confidence how can they ask the Trivandrum municipality to contribute towards the expenses incurred by Government. Where and what is the Section under which that municipality can enhance taxation?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : No taxation has yet been fixed. The Trivandrum Municipality has been given the power to impose a maximum of 5 per cent. If the Government think, and if they say that they are coming to us with an open mind to confess that the present Water Supply Scheme would not work with even 5 per cent. maximum taxation; and that it shall be raised to 10 or 20 per cent. for realising which Government want power to force the municipality to resort to a taxation without any limit, I must say that that is an ordeal which no person, living within the Trivandrum Municipality and who will hereafter live, could face. Same is the case with regard to other municipalities as well. I would protest against this power of unlimited taxation that is to be conferred upon a municipality. Instead of taking the House into its confidence, now, to say that an extraordinary power should be vested on the Trivandrum Municipality so that it, in turn, can force its hands upon its citizens by way of imposing a heavy tax as it deems fit—that is a very sorry plight. I would certainly request every member to stand forth and say that no municipality, much less the Trivandrum Municipality, shall be given power to impose unlimited taxation upon a people who are now living and who might hereafter live. That power should never be conferred upon a municipality, whether it may be in the interests of the Government or the governed. Any unrestricted power of taxation should not be conferred upon any municipality. Instead of saying that the municipality shall have a minimum of 5 per cent. rate fixed or an unknown maximum right of taxation, let the Law Member or Government, if fair-minded, come forward with a proposal in regard to working expenses for the Trivandrum Municipality. If they think after actual working, that 20 per cent. is reasonable, or is necessary we can then realise that the Government are coming forward with an open mind. They have not done anything like that. Here is a ruse that is now brought to us. Government want all the non-official members to be dragged into the trap and fall in with their views, because Government are unable to finance the scheme. With regard to this matter, to say that the non-official members of the House should agree with the Government and help the Government in wriggling themselves out of

the situation which was created by their own thoughtlessness and want of foresight, I would emphatically support Mr. Thanu Pillai's amendment and say that no legislation should confer upon any institution the right to impose a taxation without any limit.

MR. P. S. MAHOMED (*Nominated*) : മിനിമം തീർച്ചചെയ്യണമെന്നുണ്ടോ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : It may be possible. I find from Section 61, sub-clause (1) there is a minimum of $2\frac{1}{2}$ per cent. fixed. All that I want to say is that a maximum must be fixed; it does not matter whether it comes to a higher percentage. It seems to me to suggest that not below such and such a percentage should be fixed; it contravenes the rudimentary principle of legislation regarding power of taxation.

MR. K. GEORGE (*Chief Secretary to Government*) : The member said just now that it is opposed to all principles of taxation. May I draw the attention of the member to the corresponding Madras legislation?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I have no fancy for Madras legislation. I am certain that the Madras legislation has committed its own blunders. The Bombay legislation has its own blunders. I am quite certain that even the English Legislature has committed blunders. In those cases, they have rectified, repealed and even re-enacted them. In the same way, if we are convinced of the correctness of our principle, we need not look up to what Madras has done, what Bombay has done and what other country has done.

MR. K. GEORGE (*Chief Secretary to Government*) : But, is it not supposed that very often, we legislate upon British India model?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I have been very much impressed with that propensity on our part to copy down legislations passed by other legislatures. But, I say, if this House is able to propound its own theories and principles and if we accept the soundness of those principles we must certainly act according to them. If you think, that, because your Sister State has adopted such and such a law, that is no reason why we should also do it and thus fall into their track. I have suggested what I thought would be best, under the circumstances. If it is acceptable to this House, I request that this may be agreed to.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I know from the member is there any parallel anywhere in British India ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I am not very much enamoured of parallels. It is not my duty either to quote parallels. The Law Member ought to have drawn our attention to parallels existing in other constitutions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I want a definite answer to my point Sir ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am not bound to give him an answer to that. When we questioned him and attacked him, certainly, he ought to have come to us and said, here is an enactment for such and such an area, in Bombay, which is working smoothly. Here is something in British Baluchistan which works smoothly .Here is a third one,adopted by the Sultan of Ashandy, which is working very perfectly " Then, we certainly could have accepted that. In the absence of any such data, what is the use of asking me a question? I am certainly not bound to look up for parallels in the world I have stated what I have studied and understood and what is best in the circumstances.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then why do you say that it is opposed to all fundamental principles of taxation propounded elsewhere?

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is my view of the matter which I hope is correct.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I rise to support the amendment moved by Mr. Thanu Pillai. Sir, I regret that a very unnecessary tactics seems to have been adopted here to divide the House on the principle of country interests and town or capital interests. I very seriously object to that. I do not look upon this amendment as a man coming from outside the municipal limits of Trivandrum. But we have to look at this question from the general point of view of a tax-payer, whether he be within the municipal limits of Trivandrum or elsewhere. What affects the Trivandrum Municipality to-day, nobody can assure, will not fall to the lot of other towns and municipalities. One question has been very pertinently raised by Mr. Thanu Pillai and that has been significantly omitted by the Law Member. That was as to the capacity of the tax-payer to pay. That was not given consideration at all in this debate. The only point of view drawn for the attention of the House by Government is this, "so much has been spent, there is so much of working expenses; we have to get the money; we have to fix a percentage and realise that money." But you might have embarked upon an extravagant scheme, a very extravagant one, and you might have done it at the instance of the municipality which in turn might not have calculated the full effect of the demand that they were making. They may have agreed to it. The Government without considering this paramount question of the capacity of the tax-payer, might have invested money and committed the mistake. On account of that fact, we are not here to enact a draconian piece of legislation and say that whatever might be the capacity of the taxpayer alright you fill up our purse to satisfy the expenses that you have to meet with annually. That cannot be done. I have been ever of the strong opinion that people who enjoy the amenities should pay as much as they could, adequately consistent with their economic position. I am not quite sure whether 5 per cent. is the maximum capacity that the Trivandrum Municipal tax-payer could pay for the amenities that he will be enjoying as a result of the introduction of the

water works scheme. That is a different matter. But as it is, the only question that we have to answer with regard to this amendment is, whether the Government can be allowed to have 5 per cent. fixed as the minimum or should we fix some maximum. I think there cannot be any difference of opinion with regard to that. If the amendment comes to the effect that a slightly higher percentage would not bo a hardship on the citizen of the Trivandrum Municipality, I am prepared to vote for a higher percentage. I am not for making the general tax -payer pay for all the luxuries of the town dweller. But I am not also restricting myself to that narrow view, that all the amenities and luxuries of the town should be provided by the town dweller. That is an imposible position and I think it is a very short sighted view of things. Nobody in this House would fail to consider, when he discusses this question of importance, that he is returned by a rural constituency and so ought to look at it from the view point of a Travancorean and in the intrests of the whole State. If we follow the civilization at present adopted we cannot do away with towns. Towns have to be maintained on a higher cost. We have to find money for that from contributions made from the general tax-payers. If some of my friends like Mr. Gopalakrishna Pillai opposes it on another principle that all the civilization is wrong (laughter, from the non-official benches) and that we ought not to go in for such luxuries but have to look for minimum needs, that is a different point. I cannot understand anybody who accepts the present state of affairs saying that the rural parts will not pay anything for the town. If any man coming from the rural parts will pay whatever he can, I think, Government will never be able to extract vast sums of money that they have spent in the capital of Trivandrum from the town dweller who may or may not be responsible for it. In many cases he is helpless. It is not after getting the consent of the town-dweller that the Government launched such a big scheme. It is true Government proposed of their own accord such a big scheme for the consideration of the municipality who in turn requested its members to consider the scheme. But I am not sure whether they were appraised of the consequences of the financial venture and that they may have to pay back the amount for expenses that Government have incurred from the general tax-payer's money.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to take it that he is agreeable to the maximum rate being fixed?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then does not the member know, that the Government have not at present the exact calculation which will enable them to fix a minimum?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): They should make the calculation now and if found wanting, that can be enhanced.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does not the member think that in view of the working of such a scheme as this the Government may call upon the tax-payer to pay the expenses incurred which could not have been foreseen?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): All that is likely. But I want to press on the attention of the House one paramount question and that is, the capacity of the tax-payer to pay. Government should take that into consideration and arrive at a reasonable conclusion as to the extent to which the general tax-payer should pay.

What I want to press upon the attention of this House is the capacity of the tax-payer. What have the Government to say on that point? The working expenses come to a large sum. That money should be realised from the people here. Government have launched upon an extravagant work and ask the tax-payer to pay. Now, I have to submit that they should undertake such business only after ascertaining the capacity of the tax payer. They ought not to crush the people like that. If they have committed a blunder like that, why should, the representatives of the people, fix the burden on the Trivandrum tax-payer alone. The only possible way, of rectifying the mistake now suggested is to share the burden among all the people. I do not think that members should yield to the tempting bait now thrown to this House that the Trivandrum Municipality alone is intended to be affected now. It is all quite good. But we should not get divided on that score. The bait has been thrown, and we should not swallow it. That is my position. The capacity of the tax-payer of the Trivandrum Municipality is a matter of paramount concern that has to be considered; and if Government are not prepared to give an adequate answer with regard to that, I do not think we will be justified..... ......

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it the opinion of the member that the present amended Regulation is intended only to Trivandrum?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Do not my observations so far refer to the compromise held out by the Law Member?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member know that Mr. Karayalar was not here when the Law Member made the compromise?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I am not quite sure; I thought he was here.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is the considerations of the present Regulation to be narrowed down by any compromise that the Law Member has held out?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not think, Sir, it is fair for the Law Member to try to win the votes of the House by telling us that the Bill is intended to be applied to Trivandrum alone. That is my position. The House should not be divided. We should not swallow the bait. Are we not also responsible to the voters who have sent Mr. Thanu Pillai as a representative of the only municipality that sends its member to this House? I do not think that we should lay ourselves to be drawn away like that. Dwelling in town is not a crime, and the town dweller is not such a despicable being. If he is to be crushed by a legislation like this, by a tax which he cannot pay, I think it is up

to us to stand up and resist it. It is as much our right to preserve the liberty of the town dweller as it is our right to preserve the liberty of any other. I think we should not allow it if it is possible for us to resist it. We must not pass this legislation without our emphatic protest. However much the Government may try to isolate the Trivandrum Municipality and separate it from others... ......

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will it affect the member's position if the Law Member makes good his promise by getting the necessary amendments separating the Trivandrum Municipality from the other municipalities?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It will not affect me at all. I look on the question purely on its merits. Supposing a legislation is enacted that all future taxation will affect only the Trivandrum Municipality; even then, I say, the Trivandrum Municipal tax-payer is as much entitled to the protection of this House and the serious consideration of this House as any other. I think if the House is not satisfied with regard to the capacity of the municipal tax-payer to pay an adequate amount, I do not think this House would be justified in any manner in lending its support to the Clauses as proposed by the Law Member.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member know that Mr. Thanu Pillai has fixed 5% as the maximum; and does he find his way to agree to that?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not want this amendment to be thrown out. I am not sure of the percentage that the municipal tax-payer will be able to pay.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If Mr. Thanu Pillai's amendment is voted upon and is passed, it will become law and the maximum will be 5%.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Yes. Government ought to have made a better provision. That is my argument for supporting it. Even otherwise the municipal tax payer in Trivandrum is not going to pay the whole expenses of the water works scheme. Anyway the money is going to be taken out, a large amount of it from the contribution of the general tax-payer. The only harm if it could be called a harm, is that we may be taking a bit more. That is much better than crushing a man simply because he happens to be inhabiting the town. I do not think this House should give weight to that argument. Sir, I strongly support the amendment moved by Mr. Thanu Pillai.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, I oppose the amendment. The Chief Secretary has said at page 306 in No. IV, Vol. XXI as follows:

> "I explained that a tax of 20 per cent on the annual rental value of buildings, would have to be imposed in order to meet the expenditure on account of maintenance and to make contribution towards interest, depreciation and other charges".

And, at the same page the Law Member has said "Did not Mr. Westerdale say that it would come to over a lakh of rupees".

[Mr. K. Narayanaperumal Nadar.]

Now, Sir, if the Law Member has said that the minimum percentage should be fixed at either 15, 16 or 17, then the non-official members like Mr. Thanu Pillai might have probably said that the minimum percentage should be fixed at 9, 10 or 11. That is the psychology of the position. The Hon'ble Law Member has proved to be a poor psychologist. Any how that matters little. Government have fixed only a low percentage of 5 as the minimum charge. There is a large complaint that for street lighting alone the Government are spending nearly Rs. 50,000 Again I understand that the Government are contemplating to start a drainage scheme which will take one or two years for completion and that they propose to spend about 2 or 3 lakhs of rupees. The question is why the general tax payer should pay for these things. My answer is an emphatic "No". It is therefore very reasonable that the Government fix only a minimum and not a maximum. It is only reasonable that the Law Member has come forward with the minimum percentage and not with maximum percentage- On this ground I stoutly oppose Mr. Thanu Pillai's amendment.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I see that the old policy of the Government is being maintained still. It has been from the beginning, one of divide and rule. Now we are about to be divided on this question, urban against rural and in that policy, the Trivandrum Municipality is being segregated from the others and we are going to be dealt with as a separate body. I am against such a treatment being meted out, even if it be a single individual. I do not know why the Government did not take us into their confidence when the scheme was first started and tell this House how much it would cost annually from the general coffers for maintaining this scheme in Trivandrum. Now that they have started it and when they find it difficult to carry on this scheme, they take us into their confidence and not before. If they had taken us into their confidence in the beginning, we would have told them plainly that such a scheme should not be started. Now they have started it, and in order to divide us they take us into their confidence and say that we must pay it from the general revenues. But the interests of the town and the rural areas are one and the same. We cannot draw lines at the municipal limits- (*Mr. K. Kunjukrishna Pillai Hear, hear*). Humanity is one as a whole. It should not be divided into water-tight compartments as rural and urban. Such artificial distinctions exist only in our minds. They do not really exist. As our learned friend, the Doctor, suggested that cholera nursery started in a badly managed municipal area can do more harm to the rural areas than to the town itself, because it is the capital city and because there are Health Officers. The people might be cared for there but if it spreads to the rural areas, there will be nobody to care for them. Even the Vaccinator will not be sent when necessary. Such being the case this attempt at dividing us into water-tight compartments should be resisted. I should say that a maximum should be fixed. This is demanding or requiring a right for unlimited taxation. That is on

principle bad. The poor tax payer's capacity for paying the tax should be the first consideration before taxes are imposed. If the Municipality is not able to bear any tax above a maximum fixed, the cost must be borne from the general revenues. What is the harm in doing that? It should be viewed from the point of view of health and not from any other point of view. It is the prime duty of the State to provide the necessary amenities to the town as well as to the rural parts. But simply because the rural parts are not going to get this, is it not their duty to stand in the way of those who are likely to get it. The advantage should be spread to the rural parts also. But a beginning should be made somewhere; and the beginnings are most necessary in the towns and they should be spread from the town to the rural areas. The beginning in the Trivandrum Municipality must therefore be welcomed. But I have one thing to ask in that respect. When a similar demand is made for another municipality in the State, the Council as well as the members of the Trivandrum Municipality should stand with them and vote for them and not leave them alone there. Then they should extend the same support to the rural areas also. If they stop with the Trivandrum Municipality, I am for opposing the present amendment.

After making a beginning here, they must extend it to other towns and to the rural areas also in course of time. Of course, I do not want it to be done to-day or tomorrow. But it is necessary. Therefore this beginning made in the capital should be welcomed. A maximum should be fixed. Wnlimited powers of taxation are a source of harm, They are a source of danger to people. In all legislations of this sort, the power of taxation ought to be limited. If it is not limited, there will be no end to the suffering that it might cause to the people. So, instead of fixing the minimum, the greatest necessity is to fix the maximum.

MR. K. GEORGE (*Chief Secretary to Government*): Will the member suggest the maximum?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): It must be 10% not more than that.

MR. K. GEORGE (*Chief Secretary to Government*): Would the member be prepared to fix the maximum in such a way as to cover interest, depreciation charges and other things?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If there remains a balance to be paid after getting the maximum tax from the people, certainly it will have to be met out of the general revenues.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പത്തു ശതമാനം വച്ചാൽ, ഇതിലേക്കു ചിലവാകുന്ന പണത്തിന്റെ പലിശ ഏതുവിധത്തിൽ ഈടാക്കാം?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പത്തു ശതമാനം കഴിച്ചു ബാക്കിയുള്ളതു ജനറൽ റവന്യൂവിൽ നിന്നും എടുക്കണം.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): Capital works ആയിട്ട് ഇതു ചെയ്യുമ്പോൾ ന്യായമായ പലിശ കിട്ടുന്നമെന്ന അർത്ഥം വരുന്നില്ലേ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പലിശ കിട്ടുന്നതിനുള്ള ഏർപ്പാടല്ലാ ഇതു്, നേരെമറിച്ചു ജനങ്ങളുടെ ആരോഗ്യസംരക്ഷണത്തിനുള്ള ഒരു ജോലിയാണു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പൊതുജനങ്ങളുടെ പണത്തിൽ ഒരു വലിയ ഭാഗവും, പലിശപോലും കിട്ടാത്തവിധത്തിൽ പട്ടണങ്ങളിൽ ചിലവുചെയ്യുക എന്നുള്ളതു നാട്ടിൻപുറങ്ങളിലെ പൊതുജനങ്ങൾക്കു സങ്കടമായിട്ടുള്ളതല്ലേ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): ഞാൻ പറയുന്നതുംഅതുതന്നെയാണു്. ഞാൻ പറഞ്ഞതു മനസ്സിലാക്കാത്തതുകൊണ്ടാണു് ഇങ്ങനെയുള്ള ചോദ്യങ്ങൾക്കിടവരുന്നതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): എന്റെ ചോദ്യത്തിനുത്തരം പറഞ്ഞാൽ ഞാൻ മനസ്സിലാക്കിക്കൊള്ളാം.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പട്ടണങ്ങളിൽമാത്രം ഇതുപോലുള്ള വേലകൾ ചെയ്യണമെന്നല്ല ഞാൻ പറഞ്ഞതു്. പട്ടണങ്ങളിൽ തുടങ്ങി ക്രമേണ നാട്ടിൻപുറങ്ങളിലും ചെയ്തുകൊടുക്കണം. എന്നാൽ ഈമാതിരി ജോലികൾ ഇന്നു കൂടുതൽ ആവശ്യമുള്ളതു പട്ടണങ്ങളിലാണു്. തിരുവനന്തപുരം തലസ്ഥാനനഗരമാണല്ലോ. ഇതിനുപുറമെ നമ്മുടെ ഒക്കെ കുട്ടികളും ഇവിടെ താമസിക്കുന്നുണ്ടു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നമ്മുടെ എല്ലാവരുടേയും കുട്ടികളിവിടെ താമസിക്കുന്നുണ്ടു്. എന്നാൽ നാട്ടിൻപുറങ്ങളിലെ ഭൂരിപക്ഷം ജനങ്ങളുടേയും കുട്ടികൾ ഇവിടെ താമസിക്കുന്നില്ലെന്നറിയാമോ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): ഭൂരിപക്ഷം ജനങ്ങളുടേയും കുട്ടികൾ ഒരു സ്ഥലത്തുതന്നെ, നാട്ടിൻപുറമായാൽപോലും താമസിക്കാൻ സാധിക്കുകയില്ലല്ലോ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഭൂരിപക്ഷം ജനങ്ങളുടെ പണത്തിൽ അരകോടിയോളം രൂപാ ഒരുസ്ഥലത്തെ ആവശ്യത്തിനായി ചിലവാക്കി ആ പണത്തിന്റെ പലിശപോലും കിട്ടാതിരുന്നാൽ അതു മററുള്ളവക്കു സങ്കടമല്ലേ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പലിശ ഈടാക്കുക എന്നുള്ള നിലയിലല്ല ഞാൻ പറയുന്നതു്, അതാണു നമുക്കു തമ്മിലുള്ള വ്യത്യാസം.

So, I heartily support the amendment moved by my friend Mr. Thanu Pillai.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): സർ, ഞാൻ മി. താണുപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ എതിർക്കുന്നു. അൻപതുലക്ഷത്തിലധികം ജനങ്ങളുള്ള ഈ രാജ്യത്തെ പൊതുമുതലിൽനിന്നും അരക്കോടിയോളം രൂപാ ഒരു പട്ടണത്തിലെ ഒരാവശ്യത്തിനായിട്ടുമാത്രം ബഡ്ജററിൽ ചേക്കയും, അതു non-votable item എന്നനിലയിൽ ചേർത്തു പാസാക്കുകയും ചെയ്തു.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): വോട്ടബിളായിരുന്നു അതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഏതായാലും നാൺവോട്ടബിൽ എന്നതരത്തിൽ അതിനെപ്പററി അത്രം വാദിക്കാതെ പാസാക്കിക്കൊണ്ടു പോവുകയാണ് ചെയ്തതു്. ഇതു കൊണ്ടു ആദായം ഉണ്ടാക്കണമെന്നുള്ള ഉദ്ദേശത്തിലാണ് ചേർത്തിരുന്നതെന്നു ബഡ്ജററിൽ ചേർത്തിരുന്ന item കൊണ്ടുതന്നെ മനസ്സിലാക്കാവുന്നതാണ്. Capital works -ൽ ചേർത്തിരുന്നതുകൊണ്ടു ചിലവാകുന്നപണത്തിനു പലിശകിട്ടണമെന്നുള്ള ഗവണ്മെൻറിൻെറ ഉദ്ദേശം പ്രത്യക്ഷമായിട്ടുണ്ട്. പൊതുമരാമത്തു വകുപ്പു പയ്യാലോചനക്കു വന്നപ്പോഠം വമ്പിച്ച തുക പട്ടണങ്ങളിലേക്കായി ചിലവുചെയ്യരുതെന്നു പലരും വാദിച്ച ഗവണ്മെൻറിൻെറ ആ നയത്തെ ആക്ഷേപിക്കയുണ്ടായി. ഗവണ്മെൻറു ഒരുവിധത്തിൽ വമ്പിച്ചതുക ചിലവാക്കി വേലയും നടത്തി മുനിസിപ്പാലിററിയാകട്ടെ അല്ലെങ്കിൽ മുനിസിപ്പലിററിയിൽ നിന്നും തിരഞ്ഞെടുത്ത മെമ്പറാകട്ടെ ഇതാവശ്യമില്ലെന്നു അന്നു വാദിച്ചിട്ടില്ല. ക്യാപ്പിററൽ വർക്സിൻെറ കൂട്ടത്തിൽ ചേർത്തിരുന്നതുകൊണ്ടു ഇതിൽനിന്നും ആദായം എടുക്കാനുദ്ദേശിക്കുന്നുണ്ടെന്നു മുനിസിപ്പാലിററിയും മുനിസിപ്പാലിററി തിരഞ്ഞെടുത്ത മെമ്പറും നിശ്ചയമായും മനസ്സിലാക്കിയിരിക്കണം.

MR. A. THANU PILLAI (*Trivandrum*): എന്തു ചിലവാണ് ഇതിലേക്കു വേണ്ടിവരുന്നതു് എന്നു പറയുവാൻ അന്നു ഗവണ്മെൻറു തയ്യാറില്ലായിരുന്നു എന്നും ഇന്നും അതു പറയുവാൻ ഗവണ്മെൻറു തുനിയുന്നില്ലെന്നും മെമ്പക്കറിയാമോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇതിനു ന്യായമായ ഒരു പലിശ ഈടാക്കണമെന്നല്ലാതെ വലിയ ഒരു തുക ഈടാക്കുമെന്നു പ്രതീക്ഷിക്കാൻ ഒരു ന്യായവുമില്ല. വലുതായ ഒരു

[Mr. Tariatu Kunjitomman.]

തുക ഈടാക്കുന്നു എന്നു കാണുമ്പോൾ അന്നു എടുത്താൽ മതിയല്ലൊ. ഇപ്പോൾ അഞ്ചു ശതമാനമാണ് നികുതി ഈടാക്കാനായി നിശ്ചയിച്ചിരിക്കുന്നതു്. ഇതിൽനിന്നും പ്രതിവർഷമുള്ള സംരക്ഷണച്ചിലവു പോലും ഈടാകുമൊ എന്നുള്ളതു സംശയമാണ്. ഇതിൽനിന്നും ന്യായമായ പലിശ വല്ലതും ഈടാക്കാൻ കഴിയുമൊ എന്നു ആലോചിച്ചറിഞ്ഞതിനുശേഷം ചെയ്യേണ്ട ജോലിയായിരുന്നു ഇതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഇപ്പോൾ പത്തു ശതമാനം എന്നു വയ്ക്കുകയാണെങ്കിൽതന്നെയും പോരാതെവന്നാൽ വീണ്ടും കൂട്ടരുതോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇനിയു തീർച്ചപ്പെട്ടത്തിവസ്തുയല്ലേ നല്ലതു്. എന്റെ സ്നേഹിതൻ മി. താണുപിള്ള എന്തു ചിലവുവരും എന്നു നിശ്ചയിക്കാതെയാണ് ഈ സ്കീം പാസാക്കിയതെന്നു പറയുകയുണ്ടായി. അതിനാൽ ഒന്നു പാസാക്കിയ ശേഷം പിന്നീടു അതു വർദ്ധിപ്പിക്കുന്നതു കഷ്ടമായിരിക്കും.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) കണക്കില്ലാതെ നികുതിചുമത്താനുള്ള അധികാരം മുനിസിപ്പാലിററിക്കു കൊടുക്കാമൊ ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മുനിസിപ്പാലിററി കൂടുതൽതുകവയ്ക്കുകയില്ലഎന്നുവേണം വിചാരിക്കാൻ

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): മുനിസിപ്പാലിററി കൂടുതൽ തുക വച്ചാലൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതനുവദിക്കാൻ പാടില്ല. ൧൦ ശതമാനമൊ മററൊ മുനിസിപ്പാലിററി വയ്ക്കുകയാണെങ്കിൽ ഗവൺമെൻറു എന്താണു ചെയ്യുക എന്നു ജനപ്രതിനിധികളായ നമുക്കുതന്നെ ആക്ഷേപിക്കാം.

പ്രജാസഭയിലും നിയമസഭയിലും നാട്ടിൻപുറങ്ങളിൽനിന്നു ജനപ്രതിനിധികൾ വന്നു റോഡുവേണം, പാലങ്ങൾവേണം, ആസ്പത്രികൾ വേണമെന്നു പറയുമ്പോൾ അതിനൊന്നിനും ചിലവുചെയ്യാതെ കോടിക്കണക്കിനു രൂപാ തലസ്ഥാനനഗരിയിൽ ചിലവുചെയ്യുന്നതു ശരിയല്ല.

MR. A. THANU PILLAI (*Trivandrum*): തലസ്ഥാനനഗരിയിൽ പണം ഒന്നുംതന്നെ ചിലവുചെയ്യണ്ടാ എന്നാണൊ മെമ്പർ പറയുന്നതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതു വേണ്ടെന്നു ഞാൻ പറയുന്നില്ല. അവിടത്തെ ജനങ്ങളും സുഖസൌകര്യങ്ങൾ അനുഭവിക്കേണ്ടതുതന്നെയാണ്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): തലസ്ഥാനനഗരിയിൽ കോടിക്കണക്കിന രൂപാ ചിലവുചെയ്യുന്നതു ഗവണ്മെൻറല്ലേ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതെ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) ഇങ്ങിനെ തലസ്ഥാനനഗരിയിൽ പണം ചിലവുചെയ്യുന്നതു് ഗവണ്മെൻറിന നഷ്ടമുണ്ടാകുന്നതാണെന്നുള്ള ഒരു പാഠം ഗവണ്മെൻറിനെ പഠിപ്പിച്ചുകൊടുക്കുന്നതിന മി. താണുപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ അനുകൂലിക്കയല്ലേ വേണ്ടതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പക്ഷെ ഈ നഷ്ടം നാട്ടിൻപുറങ്ങളിലെ ജനങ്ങളെക്കൂടി ബാധിക്കുന്നതാണു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇങ്ങനെ തലസ്ഥാന നഗരിയിൽ പണം ചിലവു ചെയ്യുന്നതു ലാഭമാണെന്നു കണ്ടാൽ ഗവണ്മെൻറു പിന്നെയും പിന്നെയും അവിടെ തന്നെ പണം ചിലവു ചെയ്തു കൊണ്ടെ ഇരിയ്ക്കുകയില്ലേ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നാട്ടിൻപുറങ്ങളിലെ ജനങ്ങൾ, അവരുടെ ഉല്പന്ന സാധനങ്ങൾക്കു വില കിട്ടാതെ വളരെ കഷ്ടപ്പെട്ടു വലഞ്ഞു കൊണ്ടിരിക്കയാണു. അവരിൽനിന്നും കൂടി ഈ നഷ്ടം വരുന്ന തുക പിരിക്കാം. ഭൂരിപക്ഷം ജനങ്ങളുടെ കഷ്ടതകൾക്കു പ്രതിവിധിയുണ്ടാക്കാനായിട്ടാണു നാം ശ്രമിക്കേണ്ടതു്. പട്ടണവാസികൾക്കു ക്ഷാമം വളരെ കുറവാണു്. പട്ടണങ്ങളിലെ ജനസംഖ്യ തന്നെ അയൽരാജ്യങ്ങളെ അപേക്ഷിച്ചു വളരെ കുറവാണു്. അവരുടെ ആവശ്യത്തിന പണം ചിലവാക്കി ഒരു സ്കീം നടപ്പാക്കി അതിൻെറ പ്രതിവർഷമുള്ള സംരക്ഷണത്തിന പോലും പണം പിരിച്ചുണ്ടാക്കാൻ പാടില്ല എന്നു പറയുന്നതു എത്ര കഷ്ടമാണു്. ഇതിലേക്കു മററുള്ളവർ കൂടി കൊടുക്കേണ്ടിവരുന്നു. ഭൂരിപക്ഷഭൂരിസുഖം എന്നുള്ളതു് നേരെ വിപരീതമായി മാറുന്നു. അതിനാൽ ഈ സ്കീമിൻെറ പ്രതിവർഷമുള്ള സംരക്ഷണച്ചിലവും നാലുശതമാനമെങ്കിലും കിട്ടത്തക്കവണ്ണമുള്ള പലിശയും അടങ്ങത്തക്കവണ്ണം നികുതി പിരിക്കുന്നതിനുള്ള ഒരു വ്യവസ്ഥ ചെയ്യണം. ഒരു തുക നിശ്ചയിച്ചു പിരിക്കുക. അതു കൂടുതലാണെങ്കിൽ നമുക്കു ഈ സഭയിൽനിന്നും തന്നെ കുറയ്ക്കണമെന്നു വാദിക്കാം. അന്നു ഞാനും ഈ സഭയിൽ ഉണ്ടായിരുന്നാൽ ഞാൻ തന്നെ ഒന്നാമതായി വാദിക്കാൻ പുറപ്പെടുന്നതാണു്. അല്ലെങ്കിൽ ജനങ്ങളുടെ ഒരു ഡെപ്യൂട്ടേഷൻ പോയി ഗവണ്മെൻറിനെ ധരിപ്പിക്കാം;

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). നികുതി ചുമത്തുന്നതിന്റെ മിനിമവും മാക്സിമവും ഇതിൽ വയ്ക്കാതെ മുനിസിപ്പാലിറ്റിയുടെ യുക്തം പോലെ നികുതി ചുമത്തുന്നതിനു വിട്ടു കൊടുക്കുന്നതു തൃപ്തികരമായിരിക്കുമോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇവിടെ ഒന്നു വ്യക്തപ്പെടുത്തി വച്ചില്ലെങ്കിൽ മേലാൽ അതുകൊണ്ടു ദോഷമുണ്ടാകും. ഈ സംഗതിയിൽ ഗവൺമെന്റു ചെയ്യേണ്ടതു് ഈ സ്കീമിന്റെ പ്രതിവർഷമുള്ള സംരക്ഷണച്ചിലവും, ഇതിനും പുറമേ ഇതിലേക്കു ചിലവു ചെയ്തിട്ടുള്ള പണത്തിനു നാലു ശതമാനമെങ്കിലും പലിശയും അടങ്ങത്തക്കവണ്ണമുള്ള ഒരു കണക്കുണ്ടാക്കി ഒരു നികുതി പിരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. നാട്ടിൻപുറങ്ങളിലുള്ളവർ അവരുടെ ആവശ്യങ്ങൾ സാധിച്ചു കിട്ടണമെന്നു പറയുമ്പോൾ അതൊന്നും ചെയ്തു കൊടുക്കാറില്ല. ഈ പ്രതിനിധി സഭയിൽ കൂടുതൽസ്ഥാനം തലസ്ഥാന നഗരിയിൽ ഉള്ളവർക്കായതു കൊണ്ടു അവരുടേ ഇഷ്ടം അനുസരിച്ചാണ് ഇവിടെ കാര്യങ്ങൾ നടക്കുന്നതു്. ഈ സ്കീം ആദ്യം ബഡ്ജററിൽ പ്രൊവൈഡ് ചെയ്ത കാലത്തു തലസ്ഥാന നഗരിയിലുള്ള പ്രതിനിധികൾ പ്രതിഷേധിക്കാതെ മൌനമായിരുന്നതു കൊണ്ടാണ് ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum*): എത്ര ശതമാനം വയ്ക്കാമെന്നാണ് മെമ്പരുടെ അഭിപ്രായം?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഞാൻ കണക്കു കൂട്ടി നോക്കീട്ടില്ല.

MR. A. THANU PILLAI (*Trivandrum*): ഇതിന്റെ ആവശ്യത്തിനു എത്ര തന്നെ ചിലവാക്കിയാലും ആ പണം തിരുവനന്തപുരം നിവാസികൾ കൊടുക്കണമെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ സ്കീം കൊണ്ടുപയോഗമുള്ളവരുടെ പക്കൽനിന്നും പ്രതിവർഷമുള്ള സംരക്ഷണ ചിലവിനും പുറമെ ചിലവായ പണത്തിനു പലിശ കൂടി അടങ്ങത്തക്കവണ്ണമുള്ള ഒരു തുക ഈടാക്കണമെന്നാണ് ഞാൻ പറയുന്നതു്. ൫൦ ലക്ഷം ജനങ്ങളുടെ പണം കോടിക്കണക്കിനു പട്ടണത്തിൽ കൊണ്ടുചെന്നു ചിലവു ചെയ്തശേഷം പട്ടണവാസികളിൽനിന്നും ഒന്നും പിരിക്കാൻ പാടില്ല എന്നു വയ്ക്കുന്നതു കഷ്ടമാണ്. ഇനിയും എന്തെല്ലാം സംഗതികൾ ഇതുപോലെ പട്ടണങ്ങളിൽ ചെയ്യാൻ പോകുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ ശതമാനം നിശ്ചയിക്കാനുള്ള അധികാരം മുനിസിപ്പാലിററിക്ക വിട്ടുകൊടുക്കുന്നതു സമ്മതമാണൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇവിടെ ചിലവാക്കിയിട്ടുള്ളതു മുനിസിപ്പാലിററിയുടെ പണമല്ല; പൊതുജനങ്ങളുടെ പണമാണ്. അതുകൊണ്ടു ഈ ശതമാനവും ഗവമെൻറുതന്നെ നിശ്ചയിക്കണം.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): മുനിസിപ്പാലിററിയിൽനിന്നു എത്രകൊടുക്കാൻ കഴിയുമെന്നു മുനിസിപ്പാലിററിയോടു ചോദിച്ചിട്ടുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ സ്കീം കൊണ്ടുവന്നപ്പോഠംതന്നെ മുനിസിപ്പാലിററിയിൽനിന്നും തിരഞ്ഞെടുത്ത മെമ്പർ ഉണ്ടായിരുന്നു. അദ്ദേഹം അന്നുതന്നെ ഇതിനെപ്പററി പ്രതിഷേധിക്കേണ്ടതായിരുന്നു. അപ്പോഠം ന്യായമായ ഒരു പലിശ ഈടാക്കുന്നതു സമ്മതമാണെന്നുള്ള വിചാരത്തിൽ അന്നു പ്രതിഷേധിക്കാതിരുന്നു എന്നുവേണം അനുമാനിക്കാൻ.

MR. A. THANU PILLAI (*Trivandrum*): എന്തുചിലവ് വേണ്ടിവരുമെന്നും, എന്തു തുക ജനങ്ങഠം കൊടുക്കേണ്ടിവരുമെന്നും അന്നു മുനിസിപാലിററി മെംബർ ചോദിച്ചപ്പോഠം ഗവമെൻറു സമാധാനം പറഞ്ഞിട്ടില്ലെന്നും അറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അന്നു ആരുംതന്നെ പ്രതിഷേധസ്വരം രേഖപ്പെടുത്തിയില്ല. ഇതിൽനിന്നും ന്യായമായ ഒരു നികുതി ഈടാക്കുന്നതു സമ്മതിച്ചു എന്നുവേണം അനുമാനിക്കാൻ. വമ്പിച്ചചിലവു ഗവമെൻറു ചെയ്തുകൊള്ളട്ടെ, തിരിയെ അങ്ങോട്ടൊന്നും കൊടുക്കാതെ കഴിക്കാമെന്നു വിചാരിക്കുന്നതു കഷ്ടമാണ്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): ന്യായമല്ലാത്ത തുക ഗവമെൻറു ചുമത്തുകയില്ലെന്നുള്ള വിചാരത്തിൽ അന്നു പ്രതിഷേധിക്കാതിരുന്നു എന്നു അനുമാനിക്കരുതൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ന്യായമായ തുകയെ ചുമത്താവു എന്നാണ് ഞാനും പറയുന്നതു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): അഞ്ചുശതമാനത്തിനുമേൽ ചുമത്താൻ പാടില്ലെന്നുള്ളതാണ് ഇവിടത്തെ വാദവിഷയം എന്നുള്ളതു മെംബർക്കറിയാമൊ? ഈ സംഗതി റഗുലേഷനിൽതന്നെ പറഞ്ഞിട്ടുള്ളതാണ്,

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വാട്ടർവക്ക്സ് പുത്തനായിട്ടു തുടങ്ങിയതാണ്. അതുകൊണ്ടു പുത്തനായി ചില ഏർപ്പാടുകളും ആവശ്യമുണ്ട്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഇപ്പോഠം നടപ്പിലിരിക്കുന്ന റഗുലേഷനിൽ 6 ശതമാനത്തിൽകൂടുതൽ ചുമത്താൻ പാടില്ലെന്നറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതു ഭേദഗതിചെയ്യാനാണല്ലൊ നാം തുടങ്ങുന്നതു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): മുനിസിപ്പാലിററിയിൽ നിന്നും ഈ വേല ആവശ്യമില്ലെന്നു പറയുകയാണെങ്കിൽ ഈ പണമെല്ലാം ഗവൺമെൻറു വിട്ടു എടുക്കുമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതു് പറയേണ്ടകാലത്തു പറയാതെ ഇപ്പോഠം പറഞ്ഞതുകൊണ്ടു എന്തുവിശേഷമാണുള്ളതു്?

MR. A. THANU PILLAI (*Trivandrum*): ഗവൺമെൻറു ഉദ്ദേശിച്ചിരുന്ന തുകയിൽനിന്നും ഇപ്പോഠം കൂടുതൽ ചിലവാക്കേണ്ടിവരുന്നു എന്നുള്ളതറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കൂടുതൽ ചിലവാക്കേണ്ടിവന്നാൽ അതിനെപ്പററി പട്ടണവാസികഠം പ്രതിഷേധിക്കേണ്ടതായിരുന്നു.

MR. A. THANU PILLAI (*Trivandrum*): കൂടുതലായി എത്രയാണു് ചിലവാക്കേണ്ടിവരുന്നതെന്നറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതിൻെറ കണക്കുകളെല്ലാം ബഡ്ജററിലുണ്ട്.

ഏതായാലും അന്നു ഇതിനെപ്പററി പ്രതിഷേധിക്കാതെയിരുന്നതു ന്യായമായ ഓരോഹരി കൊടുക്കാമെന്നുള്ള വിചാരത്തിലാണ്. ഇങ്ങനെ ചിലവാക്കിയ പണിത്തിനു ഒരു പലിശപോലും ഈടാക്കാതെയിരിക്കുന്നതു പൊതുജനങ്ങളോടു കാണിക്കുന്ന ഒരു വലിയ അപരാധമായിരിക്കും. അമ്പലപ്പുഴ ചേർത്തല മുതലായ താലൂക്കുകളിലെ ജനങ്ങഠംക്കു കുടിക്കുന്നതിനു ശുദ്ധജലം കിട്ടുന്നില്ലെന്നു പരാതിപറഞ്ഞപ്പോഠം ഗവൺമെൻറു മൌനമായിരുന്നു. തലസ്ഥാനത്തു അതിലെക്കായി വമ്പിച്ചതുകയും ചിലവുചെയ്തു.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): എത്ര പലിശ അടങ്ങത്തക്കവണ്ണമുള്ള നികുതിയാണ് ചുമത്തേണ്ടതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നാലുശതമാനം പലിശയും സംരക്ഷണച്ചിലവും അടങ്ങത്തക്കവണ്ണമുള്ള തുക ഈടാക്കണം.

ഇത്രയും പ്രസ്താവിച്ചുകൊണ്ടു ഞാൻ മി. താണുപിള്ള ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ എതൃത്തുകൊള്ളുന്നു.

MR. RAMA VARMA RAJA (*Edavagai*): മി. താണുപിള്ള ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. വാദപ്രതിവാദത്തിനിടയിൽ, ഇതിന്റെ മാക്സിമവും മിനിമവും ക്ലിപ്തപ്പെടുത്താതെ മുനിസിപ്പാലിറ്റിക്കുതന്നെ ആ ഭാരം വിട്ടുകൊടുത്താൽ അതു സ്വീകാര്യമാണോ എന്നു ലാമെമ്പർ ചോദിക്കുകയുണ്ടായി. എന്നാൽ റഗുലേഷനിൽ ൫൰൯ (ബ)ൽ പറയുന്നതു്, ഇതിൽ എന്തുതന്നെ പറഞ്ഞിരുന്നാലും ഗവണ്മെന്റു ചില വേലകൾ നടത്തുന്നതിനു മുനിസിപ്പാലിറ്റിയെ നിർബ്ബന്ധിക്കുന്നതാണെന്നാണ്. മുനിസിപ്പാലിറ്റിയുടെ കൺസെന്റോടുകൂടി, എന്നു ഇതിൽ പറയുന്നുണ്ടെങ്കിലും ഇപ്പോഴത്തെ നടപ്പനുസരിച്ചു മുനിസിപ്പാലിറ്റിയുടെ കൺസെന്റു എന്നു പറയുന്നതു ഗവണ്മെന്റിന്റെ നിർബ്ബന്ധമാണ്. ഈ സംഗതി ഒരു മുനിസിപ്പൽ പ്രസിഡന്റ് എന്നനിലയിൽ എനിക്കു നല്ലവണ്ണം അറിയാവുന്നതാണ്.

MR. A. THANU PILLAI (*Trivandrum*): മുനിസിപ്പാലിറ്റിയുടെ അഭിപ്രായമെന്നല്ലെ ഇതിൽ പറയുന്നതു്?

MR. RAMA VARMA RAJA (*Edavagai*): മുനിസിപ്പാലിറ്റിയുടെ അഭിപ്രായം എന്നുള്ളതുതന്നെയാണ് ഞാൻ കൺസെന്റു എന്നുപറഞ്ഞതു്.

MR. P. S. MAHOMED (*Nominated*). ഇതു വേലനടത്തിപ്പിനെ സംബന്ധിച്ചല്ലേ; അല്ലാതെ നികുതി ചുമത്തുന്നതിനെസംബന്ധിച്ചാണോ?

MR. RAMA VARMA RAJA (*Edavagai*): അങ്ങിനെയായിരുന്നാലും നികുതിചുമത്തുന്നതിനെസംബന്ധിച്ചു ഗവണ്മെന്റിനു നിർബ്ബന്ധിക്കാൻ കഴിയും.

MR. A. THANU PILLAI (*Trivandrum*) : സെക്ഷൻ ൫൰൯ (ബ) അനുസരിച്ചു ഗവണ്മെന്റുതന്നെ കുറെപണം ചിലവാക്കി ഏതെങ്കിലും വേലനടത്തി ആ തുക മുനിസിപ്പാലിറ്റിയുടെ സമ്മതം കൂടാതെതന്നെ മുനിസിപ്പാലിറ്റിയെക്കൊണ്ടു കൊടുക്കാൻ ആവശ്യപ്പെടാമെന്നുകൂടി പറയുന്നില്ലേ?

MR. RAMA VARMA RAJA (*Edavagai*): ഉണ്ട്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) മുനിസിപ്പാലിററിക്ക പണമില്ലെങ്കിൽ ഈടാക്കാൻ സാധിക്കുമോ?

MR. RAMA VARMA RAJA (*Edavagai*): മുനിസിപ്പൽ പ്രസിഡൻറായി ഒരു പത്തുദിവസമെങ്കിലും ഇരുന്നിരുന്നാൽ ഇങ്ങനെയുള്ള ചോദ്യം ചോദിക്കയില്ലായിരുന്നു.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഒരുമുനിസിപ്പൽ മെമ്പറായിരിക്കുന്നയാരം അതിനെപ്പററി പറഞ്ഞാലുംമതിയല്ലോ ?

MR. RAMA VARMA RAJA (*Edavagai*): ഒരു മുനിസിപ്പാലിററിയിലെ മെമ്പർമാരും പ്രസിഡൻറും ഗവണ്മെൻറു പറയുന്നതുപോലെ അല്ലാതെ പ്രവർത്തിച്ചാൽ അവരെ മാററാനുള്ള അധികാരം ഗവണ്മെൻറിനുണ്ട്. അങ്ങിനെ ഒരധികാരം ഗവണ്മെൻറിനുള്ളിടത്തോളംകാലം ഗവണ്മെൻറു പറയുന്നതനുസരിച്ചേ മുനിസിപ്പാലിററി പ്രവൃത്തിക്കുകയുള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഗവണ്മെൻറു പറയുന്നതുപോലെ കേട്ടില്ലെങ്കിൽ മുനിസിപ്പൽ പ്രസിഡൻറിനെ മാററാനുള്ള അധികാരം ഗവണ്മെൻറിനുണ്ടോ?

MR. RAMA VARMA RAJA (*Edavagai*) : പ്രസിഡൻറിനേയും മെമ്പർമാരേയും മാററാനുള്ള അധികാരമുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): അപ്പോൾ മുനിസിപ്പൽ പ്രസിഡൻറന്മാരെല്ലാം ഗവണ്മെൻറിനെ ഭയന്നാണോ കഴിച്ചുകൂട്ടുന്നത്?

MR. RAMA VARMA RAJA (*Edavagai*) : മിക്കവാറും അങ്ങിനെയാണ്.

MR. A. KUMARA PILLAI (*Secretary to Government*): ഏതെങ്കിലും മുനിസിപ്പൽ പ്രസിഡൻറിനെ ഗവണ്മെൻറിൽനിന്നും മാററിയിട്ടുണ്ടോ?

MR. RAMA VARMA RAJA (*Edavagai*) : ഉണ്ട്.

MR. K. GEORGE (*Chief Secretary to Government*) : ഏതു മുനിസിപ്പാലിററിയിലെ പ്രസിഡൻറിനെയാണ്?

MR. RAMA VARMA RAJA (*Edavagai*) : ആററിങ്ങൽ മുനിസിപ്പൽ പ്രസിഡൻറിനെ ഗവണ്മെൻറു മാററി.

MR. A. KUMARA PILLAI (*Secretary to Government*): ആററിങ്ങൽ മുനിസിപ്പൽ പ്രസിഡൻററിൻെറ കാലാവധി തീന്നതുകൊണ്ടു തന്നെയ മാറുകയല്ലാതെ ഗവമ്മെൻറു മാററുകയാണോ ചെയ്തതു്?

MR. RAMA VARMA RAJA (*Edavagai*): എൻെറ അറിവു ഗവമ്മെൻറു മാററി എന്നാണു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഗവമ്മെൻറിൽനിന്നും ആവശ്യപ്പെട്ട തുക കൊടുക്കാത്തതുകൊണ്ടാണോ മാററിയതു്?

MR. RAMA VARMA RAJA (*Edavagai*): അതല്ലെങ്കിൽ മററുവല്ല കാരണങ്ങളും കൊണ്ടായിരിക്കാം. ഞാൻ അതിനെപ്പററിയല്ല പറയുന്നതു. മുനിസിപ്പൽ പ്രസിഡൻററിനെ മാററാനുള്ള അധികാരം ഗവമ്മെൻറിനിരിക്കുന്നിടത്തോളംകാലം അവക്കു ഗവമ്മെൻറു പറയുന്നതനുസരിച്ചല്ലാതെ ചെയ്യാൻ നിവൃത്തിയില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ബാക്കിയുള്ള മുനിസിപ്പൽ പ്രസിഡൻറന്മാരെല്ലാം ഇങ്ങനെ ഭയന്നു ജീവിക്കുന്നവരാണോ?

MR. RAMA VARMA RAJA (*Edavagai*): അങ്ങിനെയാണെന്നാണു് എൻെറ അഭിപ്രായം.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): ഗവമ്മെൻറു പറയുന്നതുപോലെ പ്രവൃത്തിക്കാത്ത പ്രസിഡൻറന്മാരും ഇല്ലെ?

MR. RAMA VARMA RAJA (*Edavagai*): ഇപ്പോളില്ല. ഗവമ്മെൻറിനു അധികാരം നാംകിയിരിക്കുന്ന ഈ രൂപം മാററിയാൽ ഉണ്ടാകും.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): ആ രൂപം മാററിയില്ലെങ്കിലും അങ്ങിനെയുള്ള പ്രസിഡൻറന്മാർ ഉണ്ടാവുകയില്ലെ?

MR. RAMA VARMA RAJA (*Edavagai*): ഉണ്ടാവുകയില്ലെന്നാണു് എൻെറ അഭിപ്രായം.

ഗവമ്മെൻറിനു മുനിസിപ്പാലിററിയുടെ മേലുള്ള അധികാരത്തിൽ ചിലതു് എടുക്കുക എന്നുള്ളതിനു പദ്ധാപ്തമായ ഒന്നാണു വിവാദഭേദഗതി. എന്നാൽ മുനിസിപ്പാലിററിയുടെ സമ്മതത്തോടുകൂടി എന്തെങ്കിലും ചെയ്യാമെന്നായിരുന്നു എങ്കിൽ ഞാനതു അതിനെ സമ്മതിക്കുമായിരുന്നു. അല്ലാതെ ഗവമ്മെൻറിൻെറ യുക്തംപോലെ ചെയ്യാമെന്നു കിടക്കുന്നതുകൊണ്ടു എനിക്കു മി. താണുപിള്ളയുടെ ഭേദഗതിയെ അനുകൂലിക്കാതെയിരിക്കാൻ നിവൃത്തിയില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, to my mind the Bill is entirely one-sided and the amendment is equally the other-sided. Mr. Thanu Pillai said that the present water works were undertaken by the Government without the approval of the municipality, and the Law Member, on the other hand, said that it was at the request of the municipality.

MR. A. THANU PILLAI (*Trivandrum*): I wish to know from the member whether he has given notice of any amendments?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No; I am speaking on the motion before the House. The Law Member, on the other hand, said that the Water Works Scheme was undertaken by the Government at the request of the municipality. Anyhow, it appears to be an accomplished fact that the Trivandrum town has now the benefit of the water works and it is my idea that the people who enjoy the benefits of the water works must pay for them. Mr. Thanu Pillai also said that people from Muvattupuzha, Thodupuzha, Kunnatnad and other places who come to Trivandrum, whenever they come here, enjoy all the benefits and they have no chance of paying for the benefits they enjoy. On the other hand, my experience is that people who come from the rural parts have really to pay for the amenities they enjoy in Trivandrum also.

MR. A. THANU PILLAI (*Trivandrum*): What is it that they pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I will answer. They do so not directly but they do so indirectly. Here we are at the question of water works. People who come from outside Trivandrum, of course, cannot go without water. Of course, they stay here using water in some place no doubt. Some house they necessarily require and if that particular house is taxed, then some way or other, the people who come from outside, that is people who want to occupy the house, will be indirectly taxed by the owners thereof.

MR. RAMA VARMA RAJA (*Edavagai*): ഒരാൾ കൂടുതലായി വരുമ്പോൾ ഒരു നാലുഗ്യാലൻ വെള്ളമെങ്കിലും ആ വീട്ടിൽ കൂടുതൽ ചിലവുവരികയില്ലേ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): കൂടുതൽ വന്നയാൾ നേരിട്ടു ഗവണ്മെന്റിനു കരം കൊടുക്കുന്നില്ലെങ്കിലും അയാൾ ആ വീട്ടുകാർക്ക് ഏതെങ്കിലും ഒരു തരത്തിൽവല്ലതും കൊടുക്കുന്നുണ്ട്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഒരുപെട്ടി ബിസ്കറ്റെങ്കിലും കൊടുക്കും അല്ലേ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*); അതെ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നാട്ടിൻപുറങ്ങളിൽനിന്നും ഇവിടെ വന്നു താമസിക്കുന്നവർ പണം ചിലവാക്കുകയല്ലാതെ ഇവിടെ നിന്നും വല്ലതും കൊണ്ടുപോകുന്നുണ്ടോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ഉള്ള·

MR. A. THANU PILLAI (*Trivandrum*): പട്ടണത്തിൽനിന്നും ... ...

(Messrs. A. Thanu Pillai and K. Gopalakrishna Pillai stood up asking questions in Malayalam).

PRESIDENT : Order please. Members must not direct questions together or talk in the vernacular when they generally speak in English.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : So that, people from the rural areas who frequent the metropolis have also to contribute indirectly towards the expenses of the town, especially in regard to water works.

Anyhow the major portion of the tax is certainly paid by the people of the municipality only and not by the people who come from outside and the major portion of the comforts is also enjoyed by the people of the town. The next question is what should be the charge that should be levied upon the people who enjoy the comforts. I do not know whether even Mr. Thanu Pillai objected to the levying of any tax. He also conceded that some amount of tax may be levied. His proposition is that not more than 5 per cent. of the annual rent of a building may be levied. According to the general principle of taxation the tax-payer should not be taxed beyond his capacity. When the Government fixed 5 per cent as the minimum, of course there is a presumption that the 5 per cent would be enough. Otherwise there is no necessity for fixing upon the 5 per cent.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : After listening to the Law Member, is it the member's opinion that only 5 per cent. tax should be levied in this present case?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Not so. I understand him to say that 5 per cent. will be sufficient for certain purposes. Otherwise there is no meaning in fixing 5 per cent. When a minimum is fixed, I understand that without that minimum amount the Government cannot get on with the business. That is the idea underlying the fixing of a minimum. On the other hand when a maximum is fixed that shows the utmost capacity of the tax-payer to pay. It is the tax-payer that should decide his capacity to pay and not the Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Beyond the question of fixing the capacity of the tax-payer, would it be safe to invest any institution with extraordinary unlimited powers of taxation?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I do not think it is advisable to give unlimited powers of taxation to any body.

MR. K. GEORGE (*Chief Secretary to Government*) : Will anybody admit the extent of his capacity to pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : He may not admit. But here, it is the Council that, impartially and on a fair

[Mr. K. P. Abraham.]

consideration of the facts, decides the capacity of the tax-payer to pay.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Does the member mean to say that the tax-payer is unwilling to pay what he ought to pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I do not mean that all will be of the same opinion. Some may be willing to pay, others not.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : With all the literacy of Travancore, does the member mean to say that they would be unwilling to pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I do not think that literacy has anything to do with willingness to pay.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : The literates would be able to say whether they are willing to pay or not.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Literacy may teach them how to pay. But their willingness to pay is a different matter.

Both the sides agree to 5 per cent. I think the Bill says that 5 per cent. will be sufficient for certain purposes. On the other hand the amendment says that 5 per cent. should be the maximum. As the Bill and the amendment stand, I think I have to support the amendment rather than the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What is the member's opinion about leaving the fixing of the maximum as well as the minimum to the discretion of each municipality?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : In that case there is only one objection. Here the minimum amount must be realised by the Government for other purposes, because otherwise the Government will not be in a position to maintain themselves. Therefore the least amount required for maintaining the Government should be collected from the tax-payer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So the minimum must be mentioned in the Bill itself?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : My own view is that both the maximum and the minimum should be mentioned in the Bill itself. The Bill ought to say "not less than five per cent". and not exceeding another percentage. I am not in a position to suggest any maximum because I have not got the figures necessary. As the Bill now stands, on the grounds already mentioned by me, I support the amendment of Mr. Thanu Pillai.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Does not the member remember that he started by saying that he opposed the amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : No.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മെമ്പർ ഭേദഗതിയെ പ്രതികൂലിക്കുന്നു എന്നല്ലേ ആദ്യം പറഞ്ഞത്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) ഇപ്പോൾ കാണുന്നനിലയ്ക്കു ഭേദഗതിയെ അനുകൂലിക്കയാണു് ചെയ്യുന്നതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കാണാത്തനിലയ്ക്കു് ഇതിനെ പ്രതികൂലിക്കയാണൊ ചെയ്യുന്നതു്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : കാണാത്ത നിലയെപ്പററി ഞാൻ ഒന്നും പറയുന്നില്ല.

The House adjourned for lunch at 1-58 P. M. and met again at 2-46 P.M

MR P. S. MAHOMED (*Nominated*): സർ, മി. താണുപിള്ളയുടെ അമൻറ്മെൻറു് അഞ്ചു ശതമാനത്തിൽനിന്നും ഒരിക്കലും കൂടാൻ പാടില്ലാ എന്നുള്ളതാണു്. ജനങ്ങളിൽ കൂടുതൽ നികുതി ചുമത്തുന്നതു പരമാർത്ഥത്തിൽ സങ്കടകരമാണെങ്കിലും അവക്കു് അനുഭവിക്കുന്നതിനുവേണ്ടി ചെയ്തുകൊടുക്കുന്ന കാര്യങ്ങൾക്കനുരൂപമായ വിധത്തിലുള്ള നികുതി കൊടുക്കത്തക്കവ്യവസ്ഥകൾ ഉണ്ടാകേണ്ടതും അത്യാവശ്യമാണു്. തിരുവനന്തപുരത്തെ മുനിസിപ്പാലിററിയെ മാത്രം ബാധിക്കത്തക്കനിലയിലാണു് ഇപ്പോഴത്തെ ബില്ലിൽവ്യവസ്ഥചെയ്തിരിക്കുന്നതെന്നു ലാമെമ്പർ പറയുന്നുവെങ്കിലും അതു മററുസംഘങ്ങളിൽ ഉള്ള ആളുകൾക്കും ഇര ഇട്ടുകൊടുക്കുന്നതുപോലെയാണെന്നു പലക്കും ഒരു തെററിധാരണ ഉള്ളതുപോലെ തോന്നുന്നുണ്ടു്.

അതിനെക്കുറിച്ചു് എനിക്കു പറയാനുള്ളതു തിരുവനന്തപുരം മുനിസിപ്പാലിററിയെ മാത്രം ഇതിൽനിന്നും വേർതിരിക്കാൻ പാടില്ലാ എന്നാണു്. തിരുവനന്തപുരം മുനിസിപ്പാലിററിക്കു ലഭിച്ചുകൊണ്ടിരിക്കുന്നഗുണങ്ങൾ എല്ലാംമുനിസിപ്പാലിററികൾക്കും ലഭിക്കണമെന്നും ഗവണ്മെൻറിൻെറ സകലവിധപ്രോത്സാഹനങ്ങളും കിട്ടണമെന്നും വിചാരിക്കുക അല്ലാതെ അതിൽനിന്നും മാറിനില്ക്കണമെന്നു് ഏതെങ്കിലും മുനിസിപ്പാലിററിയൊ അവിടത്തെ ജനങ്ങളൊ ആഗ്രഹിക്കുമെന്നു ഞാൻവിചാരിക്കുന്നില്ല. വാട്ടർസപ്ലൈ മുനിസിപ്പൽ ആവശ്യമാണെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. ഒരു മുനിസിപ്പൽ അതൃത്തിക്കകത്തുള്ള ജനങ്ങൾക്കു സുഖമായി ജീവിക്കുന്നതിനുള്ള എല്ലാമൊരുക്കങ്ങളും ചെയ്തു കൊടുക്കണമെന്നു് ആവശ്യപ്പെടുകയും അതു ചെയ്യുന്നതിനുള്ള ശക്തി ആ മുനിസിപ്പാലിററിക്കു് ഇല്ലാതിരിക്കുകയും ചെയ്യുന്ന അവസരത്തിൽ ഗവണ്മെൻറ് മുന്നിട്ടു നിന്നു പ്രവർത്തിക്കുകയും ആവക പ്രവർത്തികൾ കഴിഞ്ഞശേഷവും മററു മുനിസിപ്പാലിററികളുടേയും അതിലെ ആളുകളുടേയും ആവശ്യത്തേയും നിലയേയും മനസ്സിലാക്കാതേയും ആലോചിക്കാ

[Mr. P, S. Mahamed.]

തേയും ഇരുന്നിട്ടു ഞങ്ങൾ അവയുടെ ഉത്തരവാദിത്വം വഹിക്കുന്നില്ലഎന്നു പറയുന്നതു ശരിയല്ല. ഈബില്ലിൽകാണുന്നതു് അഞ്ചു ശതമാനത്തിൽ കുറയാതെ കരം ചുമത്തണമെന്നാണു്. ഇന്നത്തെ ചിലവും മററു സംഗതികളും നോക്കിയാൽഇതിനെമുന്നോട്ടു കൊണ്ടുപോകുന്നതിനു് അഞ്ചു ശതമാനം വേണമെന്നുള്ളതു് ഈ സംഗതിയെക്കുറിച്ചു അറിയാമെന്നുള്ളവക്കു മനസ്സിലാക്കാവുന്നതാണു്. തിരുവനന്തപുരംമുനിസിപ്പാലിററിക്കു ൭-ശതമാനം കൊടുത്താലും ശരിയായി നടത്തുന്നതിനു ശക്തിഉണ്ടോ എന്നു് എനിക്കു സംശയമാണു്. സ്ഥലത്തിന്റെ സ്ഥിതിയേയും ആളുകളുടെനിലയേയും മനസ്സിലാക്കാതെ ഒരു റഗുലേഷനിൽ മിനിമം തീർച്ചചെയ്യുന്നതു ശരിയല്ല എന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ യോജിക്കുന്നു. അതേ സമയത്തു മാക്സിമം തീർച്ചപ്പെടുത്തണമെന്നുള്ള മി. താണുപിള്ളയുടെ അഭിപ്രായം വാട്ടർസപ്ലൈ സ്കീമിന്റെ അഭിവൃദ്ധിക്കു തടസ്സവും വാട്ടർസപ്ലൈ അത്യാവശ്യമായ മുനിസിപ്പാലിററികളുടെസൗകൎയ്യത്തെ തടയുകയുമാണു ചെയ്യുന്നതു്. ജലദുർഭിക്ഷമായ സ്ഥലങ്ങളിൽ വാട്ടർസപ്ലൈ ചെയ്യുന്നതിനു തങ്ങൾ കൂടുതൽ സംഖ്യകൊടുക്കുവാൻ തയ്യാറാണെന്നു പറയുന്ന അവസരത്തിൽ അതിനു തടസ്സമായി തീരത്തക്ക ഒരു മാക്സിമം ഈ റഗുലേഷനിൽ തീർച്ചപ്പെടുത്തുന്നതു ശരിയല്ല. മററു സ്ഥലങ്ങളിൽ അതു നിമിത്തം വലിയ ദൂഷ്യമുണ്ടാകുന്നതാണു്. ഈ വാട്ടർസപ്ലൈക്കുവേണ്ടി ഇങ്ങിനെ വലിയസംഖ്യ മേടിക്കുന്നതു് ശരിയല്ലെന്നാണു തിരുവനന്തപുരത്തെ ജനങ്ങൾക്കു തോന്നുന്നതു. ജലസൗൎയ്യം തീരെഇല്ലാത്ത സ്ഥലങ്ങളിൽ കൂടുതൽ പണം കൊടുത്തെങ്കിലും വാട്ടർസപ്ലൈ ചെയ്യുന്നതിനു പ്രതിബന്ധമായി തീരത്തക്കവിധത്തിൽ ഒരു റഗുലേഷൻ ഉണ്ടാകുന്നതു ശരിയല്ല. ആലപ്പുഴയിൽ ആലുവാ വെള്ളത്തിനു് ഗ്യാലൻഒന്നിനു് അരച്ചക്രം വീതം കൊടുക്കുന്നുണ്ടു്. അങ്ങിനെയുള്ള സ്ഥലങ്ങളിൽ കരം അഞ്ചു ശതമാനത്തിൽ കൂടാൻ പാടില്ലഎന്നു് തീർച്ചപ്പെടുത്തുന്ന ഒരു നിയമം പാസാക്കുകയാണെങ്കിൽ അവിടെവാട്ടർസപ്ലൈസ്കീം ഒരിക്കലും സ്വപ്നം കാണാൻകൂടി സാധിക്കാതെവരും.

MR. E. V. KRISHNA PILLAI (*Kotturakara cum Kunnattur*): ആലപ്പുഴയിൽ എത്ര പേർസെന്റേജ് ആകാമെന്നാണു് മെമ്പറിന്റെ അഭിപ്രായം?

MR. P. S. MAHOMED (*Nominated*): പത്തോ പതിനഞ്ചോ പെർസെന്റേജ് ആകാമെന്നാണു് എന്റെ അഭിപ്രായം?

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഈ പെർസെൻറേജ് മെമ്പറിൻെറ അഭിപ്രായംമാത്രമാണോ; ആലപ്പുഴ നിവാസികാം ഇതിനെ സമ്മതിക്കുമെന്ന് തോന്നുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : ആലപ്പുഴയുള്ള സകല ജനങ്ങളും ഇതിനെ സമ്മതിക്കുന്നതാണ്. ഇവിടെ അതു് സമ്മതിക്കുകയാണെങ്കിൽ ആലപ്പുഴക്കാരുടെ സമ്മതം നിഷ്പ്രയാസം സാധിക്കുമെന്ന് എനിക്ക് ധൈര്യമുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അവിടത്തെമുനിസിപ്പൽ യോഗങ്ങളിൽ ഈ സംഗതി ആലോചനക്ക് വന്നിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : വാട്ടർസപ്ലൈയെ സംബന്ധിച്ചു മുനിസിപ്പൽ യോഗങ്ങളിൽ പലപ്പോഴും ആലോചിക്കുകയും ഗവൺമെൻറിനോട് ആവശ്യപ്പെടുകയും ചെയ്തിട്ടുണ്ട്. ഇവിടെ അതു് ചെയ്യുന്നതിനുമുമ്പായിരുന്നു എങ്കിൽ അതിൻെറ അവസാനം മററു വിധത്തിലായിരിക്കുമായിരുന്നു. അതു് കഴിഞ്ഞശേഷം ആലോചനക്കുട്ടത്തു കൊണ്ടാണ് ഈ വിഷമം വന്നു ചേന്നതു്.

MR. A. THANU PILLAI (*Trivandrum*) : എന്തിനെ അടിസ്ഥാനമാക്കിയാണ് മെമ്പർ പ്രസ്താവിക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*) : ഇവിടെ ജോലി തുടങ്ങുന്നതിന് മുമ്പായിരുന്നുവെങ്കിൽ ഫലം നേരെ മറിച്ചാകുമായിരുന്നു എന്നാണ് ഞാൻ പറഞ്ഞതു്.

MR. A. THANU PILLAI (*Trivandrum*) : അതിനുള്ള അടിസ്ഥാനം എന്താണ്?

MR. P. S. MAHOMED (*Nominated*) : തിരുവനന്തപുരം മുനിസിപ്പാലിററി ഈ കാര്യം ഗവൺമെൻറിനോട് ആവശ്യപ്പെട്ടിട്ടുണ്ടായിരുന്നു. ആ സമയത്തു് ഗവൺമെൻറ് നിശ്ചയിച്ചിരുന്നു എങ്കിൽ വളരെ സുഖമായി ഈ സംഗതി പാസാക്കുവാൻ സാധിക്കുമായിരുന്നു. അതിനാൽ തിരുവനന്തപുരത്തെ സംബന്ധിച്ച് ഇത്രയും ചിലവാകുന്നതു കൊണ്ട് തരക്കേടില്ല. പക്ഷേ അതു് മററു സ്ഥലങ്ങളിലെ സൗകര്യങ്ങൾക്ക് ഉപദ്രവമാകരുതു് എന്നേയുള്ളു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : മറേറതു് രാജ്യക്കാരുടെ കാര്യമാണ് മെമ്പർ പ്രസ്ഥാപിക്കുന്നതു്? കൊച്ചിയിലെ കാര്യമാണോ?

MR. P. S. MAHOMED (*Nominated*) : അല്ല. രാജ്യത്തുള്ള മററു സ്ഥലങ്ങളെപ്പററിയാണ് ഞാൻ പറഞ്ഞത്. ഈ അഞ്ചു് പേർസെൻറേജ് മാക്സിമം ടാക്സായി സമ്മതിക്കുന്നപക്ഷം അതു പല സ്ഥലത്തേക്കും ഉപദ്രവകരമാകുന്നതാണ്. അതിനാൽ ഈ ഭേദഗതിയെ സ്വീകരിക്കുവാൻ നിവൃത്തിയില്ല.

ജനങ്ങളുമായി യാതൊരുവ്യവസ്ഥയും ചെയ്യാതെ ഗവണ്മെൻറു് മുനിസിപ്പാലിററിയെ വിശ്വസിച്ച് ഈ കാര്യം ഏല്പിക്കുന്നതു് ശരിയാണൊ എന്നുള്ള സംഗതിയെപ്പററി ആലോചിച്ചു നോക്കേണ്ടതാണ്. അതു് നല്ലതല്ലെന്ന് തന്നെയാണ് എൻെറയും വിശ്വാസം. മാക്സിമം നിശ്ചയിക്കാതെ മിനിമം നിശ്ചയിച്ചിട്ടുള്ള ഒരു വ്യവസ്ഥയിന്മേൽ പോകുകയാണെങ്കിൽ അതു് മററു പ്രദേശക്കാർക്കുംകൂടി ഉപകാരപ്രദമായിരിക്കും.

എൻെറ സ്നേഹിതൻ മിസ്റ്റർ രാമവർമ്മരാജ ചോദിക്കുന്നതു് മുനിസിപ്പൽ പ്രസിഡൻറന്മാർ ഗവണ്മെൻറിനെ ഭയന്നിരിക്കുകയാണൊ എന്നാണ്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I rise to a point of order. The member is discussing the question whether the Municipal Presidents are dependant on Government or not. I do not know whether it is relevant.

MR. P. S. MAHOMED (*Nominated*): That point has been raised in the House.

PRESIDENT It is not relevant.

MR. P. S. MHOMED (*Nominated*) : ഏതായാലും മുനിസിപ്പൽ സംബന്ധമായ ഇങ്ങനെയുള്ള കാര്യങ്ങളിൽ ഞങ്ങളാരുംതന്നെ ഗവണ്മെൻറിനെ ഭയപ്പെടുന്നില്ല. ഏതെങ്കിലും സംഗതി ജനങ്ങൾക്ക് ഉപദ്രവകരമാണെന്നു കണ്ടാൽ ആ സംഗതി ഗവണ്മെൻറിനെ ധരിപ്പിക്കുവാൻ ഞങ്ങൾ ശക്തന്മാരാണെന്നുള്ള എൻെറ അഭിപ്രായത്തെ ഇവിടെ രേഖപ്പെടുത്തികൊണ്ടു് എൻെറ പ്രസംഗത്തെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മാക്സിമം എത്രപേർസെൻറേജ് നിശ്ചയിക്കാമെന്നാണ് മെമ്പറിൻെറ അഭിപ്രായം ?

MR. P. S. MAHOMED (*Nominated*) : പത്തു് പെർസെൻറേജ് മാക്സിമം നിശ്ചയിക്കാമെന്നാണ് എൻെറ അഭിപ്രായം.

RAO BAHADUR A. VENKATARAMA AIYAR *(Nominated, Deputy President)*: Sir, the Clause with respect to which the amendment now before the House relates is what has been proposed by the Select Committee to be substituted for sub-section (7) of Section 61 of the Municipal Regulation. It fixes the maximum of 5 per cent upon the annual rental for the yearly water and drainage tax on buildings and lands or both in municipal areas. It also lays down-I am refering to the Section as it is-that such tax shall be levied only to enable the municipal council to provide for expenses connected with the constructions, maintenance, repair, extension or improvement of water or drainage works heretofore or hereafter to be provided, and the proceeds of the said tax shall be solely devoted to defraying the said expenses. That gives us an indication as to the object of the legislature as regards that provision. Whatever was in the contemplation of the legislature as regards the expression "construction" the idea was that whatever was recovered on this account must be utilised in connection with water works and that the expenses must be if I am not mistaken about the intention, met from the amount recovered on this account. It may be doubtful whether the construction of big water supply schemes like the one now under consideration, involving a heavy outlay, was in the minds of the legislature when this provision was enacted. For, it goes without argument that, with the amount realised from the five per cent maximum that could be levied under this Section, it would not be possible to defray the expenses that have to be met on account of such construction. Even construing the expression 'construction' as referring to the interest upon such outlay, if a state of circumstances has arisen which requires a revision of that provision, I think the legislature will have to reconsider the whole question and see that a workable provision is made to meet the contingency that has arisen. My friend the Law Member candidly stated that the intentions of Government are to see that the amendment now introduced is intended only for the purposes of the Trivandrum Municipality where a heavy capital outlay has been made by the Government and where the undertaking that involved that heavy outlay is nearing its completion. He considered that a change in the law is necessary by reason of the possibility of the town being supplied with water in the course of this year. He explained to us that by reason of this fact a large staff will have to be entertained and heavy expenses to be incurred by way of the maintenance of the works which would be completed. He also pointed out from facts and figures that it would not be possible to meet such charges even though the fullest maximum laid down under the existing Regulation is available and the whole amount that is possible is collected from the residents of the town. He told us that at present, on a two and a half per cent. basis, about Rs. 23,000 are being collected now and leaving a margin at present, the five per cent., even if fully collected, would enable us to have only Rs. 50,000. He also added that for working out the scheme roughly a sum of a lakh of rupees per year may be needed and that unless the Government defrayed the additional expenditure

[Rao Bahadur A. Venkatarama Aiyar]

from the general revenues of the State it would not be possible to see that the residents of this town are given the full benefit of the scheme now undertaken. He also said that the measure now proposed is intended to be purely a tentative measure and that the whole thing will have to be revised when the new Municipal Bills are discussed by the legislatures. Bearing all these facts in mind, we have to examine whether the amendment now proposed ought to be accepted or not. I am at one with Mr. Thanu Pillai in thinking that something more than the mere assurance of the Law Member is necessary to make the present provision applicable to the Trivandrum town alone. If those are the intentions of Government it would be safer to see that the proposed amendment placed before the Select Committee is introduced as a proviso to the existing Section thereby making the existing provisions applicable to all the other municipalities of the State and making the proposed provision applicable solely to the Trivandrum town. For whatever may be the nature of the assurance when it come to a question of interpretation probably the discussions in the Council will not be looked into and the Section will be considered as it is worded. In the absence of any indication of the restriction that the learned Law Member wants to place upon it, probably those who are called upon to construe the Section will not be prepared to allow that construction to prevail. Under these circumstances, I would make this suggestion that this should be inserted as a proviso. If it is the opinion of the House that the amendment ought to be accepted the proviso should distinctly make it clear that it is applicable only to the Trivandrum town and that the existing provision is left in tact so far as the other municipalities in the State are concerned.

Then as regards the next question as to the advisability of interfering with the provision for the maximum and laying down a minimum that could be fixed as leviable on account of such tax, I am at one with some of the previous speakers in thinking that as a matter of principle such unrestricted powers should not be allowed and that once the legislature has taken the power of taxation and has put down extreme limit to which it can go, I do not see any reason why a departure has to be made, why such a maximum limit could not be fixed in the proposed measure also and if necessary to put in the minimum limit also if conditions require it. But I am not for having the minimum limit alone prescribed here leaving it to the good sense of the institutions which have been authorised to fix the tax as to what that amount should be. I would in this connection lay emphasis upon the fact that this is intended purely as a tentative measure and the maximum limit could, with advantage to either side, be fixed in the light of that fact. The learned Law Member was not in a position to give us facts and figures as to what exactly the maximum should be. In all these matters, it would be more advantageous if this side of the House are apprised of the intentions of Government. Probably Government have not been able to arrive at a decision in the matter because they wanted to know exactly what the actual amounts that may be required as capital outlay on account of this scheme would be and probably they wanted to

examine and decide what should be the burden that ought to be imposed upon the residents of the town. As pointed out by some of my friends here, it would be rather undesirable to impose upon them a burden that they could not bear. Probably it is that prompted Government not to give a final decision in the matter, leaving such decision to be arrived at a later stage. Now that the work is nearing completion the Government may after looking into the facts and figures decide whether they propose whether they are subsidising the whole thing without expecting any return or whether they intend to expect any return for the capital they have utilised. All these questions may be decided later on and after deciding them they may be able to lay down a general policy as to what should be done in such cases when local bodies come with similar applications for help. Even after arriving at such a decision, they may be able to decide exactly what should be the contribution that they expect from the municipality. After knowing that, they may be able to decide what the maximum amount should be. All these could be done before the new Municipal Bill is placed before the legislature, and the Government are able to take the non-official section of this House into their confidence and place before them facts and figures in deciding what should be the maximum that should be demanded from the Trivandrum Municipality so far as this work is concerned. But the fact, that the Government are not in a position to give an idea as to what the maximum should be, should not in any way deter the House from tackling the question now. As it is, the learned Law Member has informed us that the cost may be, say, ten per cent roughly of the annual rental of the houses in this town. That may be fixed as the maximum tentatively. It has also to be conceded that the arguments of the learned Law Member that the provisions as they exist now will not enable the Government to meet the expenses and that at least 5 per cent may be necessary are true. Under the circumstances, as a purely tentative measure the proposal to fix 5 per cent as the minimum and ten per cent, that I pointed out, as the maximum may be accepted. I make this as a suggestion because I have to say that I am not in a position to move it as an amendment because the rule requires me to table the amendment in sufficient time.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : If we fix the maximum, why should we fix the minimum?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*) : Why I make that suggestion is this the learned Law Member has pointed out to us that the whole thing has to be settled by negotiation between the municipality and the Government. In doing this, as the learned Law Member candidly pointed out, it would not be possible to start with anything less than 5 per cent. Therefore it is that I said the minimum may be fixed at 5 per cent and the maximum at 10 per cent. I make this suggestion because it is only intended as a tentative measure. As assured by the Law Member, probably the whole thing has to be revised in one or two years when the legislature will be in possession of facts and will be able to examine the whole situation and see that a workable understanding is arrived at.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Venkatarama Aiyar says that the whole thing has to be settled by negotiation between Government and the municipality and that none of us is in a position to state the exact amount that is required. Suppose it is found that 7 per cent is to be paid or even say 3 per cent. Is it not better that the percentage is fixed once for all than to leave it to an unalterable minimum. It is found on calculation and negotiation the percentage comes to 3. What is the view of the Deputy President?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I appreciate the suggestion of my friend that as facts stand, will such a contingency arise here? The Additional Head Sirkar Vakil tells us, that, when worked at 2½ per cent basis, the sum totals up to 23,000 rupees.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Suppose the number of buildings increase and the rental goes up?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): There is a margin of Rs. 2000 working on the basis of 5 per cent—you get a return of Rs. 50,000. So roughly, for a lakh of rupees, 10 per cent may be needed. Therefore I suggest that.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether he knows the present annual income of the Trivandrum Municipality?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): In the light of whatever is recovered on this account that sum must be earmarked for expenses. I make this as a suggestion and trust that both sides of the House will accept it. Further, the Law Member said, that the scheme is only a tentative measure just to arrive at a workable understanding.

MR. A. THANU PILLAI (*Trivandrum*): Is the member aware of the present income of the municipality? How much tax is paid by the people as a whole in a year and how does the figure he mentions now compares with the income?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I have not looked into the actual figures. I base my argument on the figures that are placed at the disposal of the House at the moment. The figure I have said is only a suggestion.

MR. M. GOVINDAN (*Nominated*): Is the member aware that the income of the Trivandrum Municipality is about 1½ lakhs?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I am not aware of the exact figures. Probably the Trivandrum Municipality may be having a balanced budget.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know from the member, what is there in the Bill to show that this is only a tentative proposal?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I started by saying that it is upon the assurance given by the Law Member that I based my argument. Therefore I suggest, to avoid confusion, the whole thing be introduced as a proviso. Further a change may be made in the law to the effect that it should expressly apply to the Trivandrum Municipality alone. This provision should not affect any other municipality before the new Bills that are going to be introduced becomes law.

MR. A. THANU PILLAI (*Trivandrum*): By what percentage does the member want to increase the burden of the Trivandrum Municipality on account of water cess ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Certain fiures were brought to light by the Law Member and it is upon those figures, I have worked out my percentage of ten percent.

MR. A. THANU PILLAI (*Trivandrum*): Is that figure reached with reference to the capacity to pay from the point of view of the individual citizen ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I only repeat what I have said, namely, my suggestion is only made in the light of the facts and figures supplied by the Law Member, more over it is only a tentative measure. If it passes, it will only be for two years.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What does he mean by calling this as a tentative measure as if an unalterable measure can be passed by this House ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I concede that any measure passed by this House is subject to alterations by amendments that may be accepted by this House. The Law Member himself said that the Bill if passed will duly at best be in force for two years, because a comprehensive Bill relating to municipalities will be introduced soon when the legislature will be able to tackle all questions that are being exchanged now, in a satisfactory manner.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Even if this is not passed, does not the member think that the other Bill will have to be pushed through ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Then contingencies will arise when the general revenues of the State will have to meet the additional expenses needed for the payment of establishment charges. We have listened to-day to some of our friends who took objection to the fact that on principle, a tax-payer in a mofussil should not be made to contribute to the amenities enjoyed by a town folk. It is in the light of that, I make the suggestion. A municipality which enjoys must expend from its own resources, *i. e.*, f-om

[Rao Bahadur A. Venkatarama Aiyar.]

the funds paid by the residents within its area. Whether it is necessary to allow contributions from the general tax-payer or whether the persons who enjoy the amenities should pay for such comforts, it is bearing all these in mind, I have made the suggestion of 10%. If necessary I am prepared to move it in the form of an amendment if you, Sir, suspend the rules relating to sending of amendments.

PRESIDENT : There are also one or two amendments in the list. Let me have the views on that.

MR. M. GOVINDAN (*Nominated*) : I also like to move an amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What has Mr. Govindan to say about my amendment "not exceeding 7 per cent."?

MR. M. GOVINDAN (*Nominated*): Now there is a suggestion made by the Deputy President. Probably—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Probably Mr. Govindan himself may move the same suggestion as an amendment.

MR. M. GOVINDAN (*Nominated*): With the permission of the Chair, I wish to move that the following be substituted "at the rate of not more than ten per cent." for the words "not below five per cent."

I agree with Mr. Thanu Pillai in his view that it is against principle to fix a minimum. The proper thing for a legislature is to fix a maximum in the matter of taxation. As it is a maximum that I desire to suggest, naturally, it must be a little higher than the minimum. So, I think 10 per cent. under the circumstances would be equitable from the point of view of the general tax-payer.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Am I to take it that the expression "not below five per cent" be omitted *i. e.*, a minimum need not be fixed and a maximum alone should be fixed?

MR. M. GOVINDAN (*Nominated*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): My amendment also more or less is an adapted form of Mr. Govindan's amendment. In that case, why not allow discussion on that also, Sir?

PRESIDENT : Probably he is not satisfied with that?

MR. M. GOVINDAN (*Nominated*) : Though both the amendments are similar in spirit, there is difference. I have suggested 10 per cent.

MR. A. THANU PILLAI (*Trivandrum*) : Am I to understand from the member that—

PRESIDENT : Allow him to proceed, please.

MR. A. THANU PILLAI (*Trivandrum*) : I have one question to ask. May I know from the member the burden per head of the population of Trivandrum town by way of house tax and other charges levied by the municipality?

MR. M. GOVINDAN (*Nominated*): I have not worked out the percentage.

MR. A. THANU PILLAI (*Trivandrum*): By what percentage would he enhance it on account of water cess?

MR. M. GOVINDAN (*Nominated*): I should thank the member if he is in a position to tell us that.

MR. A. THANU PILLAI (*Trivandrum*): Now he has suggested 10 per cent. On what basis has he arrived at that? I would like to know what answer he proposes to give?

MR. M. GOVINDAN (*Nominated*): It is simply my rough calculation.

MR. A. THANU PILLAI (*Trivandrum*): On what data does the member fix that suggestion of 10 per cent?

MR. M. GOVINDAN (*Nominated*): I want only a maximum to be fixed. It can be even one or two per cent. All that I would say is, the municipality should be asked to fix in consultation with its members.

MR. A. THANU PILLAI (*Trivandrum*): Does the member realise that the Government are not satisfied with fixing a maximum of 5 per cent. as I proposed because they want to levy a higher rate. So, I ask, by what percentage would the present burden of a Trivandrum Municipal inhabitant be enhanced?

MR. M. GOVINDAN (*Nominated*): In fixing a percentage all that I say is that the municipality should not impose more than 10 per cent. tax.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ പത്തു ശതമാനംകൊണ്ടു വർക്കിംഗ് എക്സ്പെൻസ് നടക്കുമോ?

MR. M. GOVINDAN (*Nominated*): വാസ്തവം പറയുന്നതായാൽ ഈ പെർസെന്റേജ്കൊണ്ട് ഒന്നുംപോരാ. യഥാർത്ഥമായി ഗവണ്മെന്റു ജനങ്ങൾക്ക് ന്യായംചെയ്യണമെന്ന് ഉദ്ദേശിക്കുന്നു എങ്കിൽ ഈ പത്തും പതിനഞ്ചും പെർസെന്റേജ് ചോദിച്ചാൽ പോരാ. എല്ലാവർക്കും പ്രയോജനകരമായ ഈ തലസ്ഥാനത്ത് അതിനുവേണ്ടി കൂടുതൽ പണം ചിലവാക്കാൻ ഇടയായതുകൊണ്ടു ജനറൽ ടാക്സ്പേയേർസ് കുറെ ക്ഷമിക്കാതെ നിവൃത്തിയില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ക്യാപിറ്റൽ വ്ലക്ക് എന്ന് ഞങ്ങളെ പറഞ്ഞു ധരിപ്പിച്ചിട്ടാണ് ഇതിനെ ബഡ്ജറ്റിൽ കൊള്ളിച്ചിട്ടുള്ളത്. അതിലേക്ക് പ്രതിവർഷം വേണ്ടിവരുന്ന സംരക്ഷണച്ചിലവെങ്കിലും ഈടാക്കാതിരിക്കുന്നത് കഷ്ടമല്ലേ?

MR. M. GOVINDAN (*Nominated*): ആ വക സംഗതികളെക്കുറിച്ചു ഗവണ്മെന്റിനും മുനിസിപ്പാലിറ്റിക്കുമായി എഴുത്തുകുത്തുനടത്തി മേലും തീരുമാനിക്കാമെന്നുള്ളതുകൊണ്ടു ഞാൻ പറയുന്നത് ൧൦ ശതമാനം എന്നാക്കുന്നത് ഒന്നിനും പ്രതിബന്ധമായിരിക്കുകയില്ല എന്നാണ്.

There is no hardship to be felt in fixing the maximum at 10 per cent. I am in substantial agreement with the spirit of Mr. Thanu Pillai's

[Mr. M. Govindan.]

amendment. Municipality is a popular body representing all shades of opinion. More than what a tax-payer cannot bear shall never be imposed by any municipality.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the member restricts this amendment to the Trivandrum Municipality?

MR. M. GOVINDAN (*Nominated*): No.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated; Deputy President*): Is not the member aware that the Law Member himself assured us that this provision is intended to be applied only to the Trivandrum Municipality?

MR. M. GOVINDAN (*Nominated*): May be.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): In the light of that, is it not introducing a change?

MR. M. GOVINDAN (*Nominated*): I have no objection to suggest an amendment in that matter. All that I want to say is that "not exceeding ten per cent" be substituted.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In view of the fact that we have fixed a maximum only, is it necessary that this should be restricted to Trivandrum Municipality alone?

MR. M. GOVINDAN (*Nominated*): Not necessarily so. To arrive at some unanimity in such matters is only fair to all municipalities. So I move that "not below 5 per cent." be omitted and "not exceeding 10 per cent." be substituted in its place.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I second the amendment of Mr. Govindan.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I want to speak a word on Mr. Thanu Pillai's amendment.

PRESIDENT: The amendment of Mr. Govindan is now before the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For that matter, I have my own amendment in the printed list.

PRESIDENT: In order to save time I propose to take votes on Mr. Govindan's amendment.

MR. A. THANU PILLAI (*Trivandrum*): May I make one suggestion?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What I wish to submit in this connection is this.

PRESIDENT: Do you speak on Mr. Govindan's amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Mr. Govindan's amendment comes along with mine, because both fixes a maximum. In my view, Sir, both should be discussed together and voted on.

PRESIDENT: You may speak.

MR. A. THANU PILLAI (*Trivandrum*): May I make one suggestion? In the Bill it is stated "not below 5 per cent." My amendment is "not exceeding 5 per cent." Mr. K. P. Nilakanta Pillai's amendment is "not

exceeding 7 per cent." There is Mr. Govindan's amendment which suggests "not more than 10 per cent." Since the latter amendment has been allowed to be discussed, my submission is this. All these amendments be discussed together and the amendment which gives the smallest figure be voted upon first. In case my amendment is lost, I can vote for 7 per cent. amendment. If that also is lost, then I can vote for 10 per cent.

PRESIDENT : I will try to save time. Mr. K. P. Nilakanta Pillai, you may now move your amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I beg to move that "7 per cent" be substituted for "5 percent" in the original amendment. Many members on this side of the House find it difficult to arrive at a particular percentage on account of the inability of the Law Member to furnish the House with necessary facts and figures. Sir, last time when the Bill was introduced, it was this provision that made us to oppose the Bill. Then the Law Member stated that if the House agreed to the general principles of the Bill, he had no objection to consider and fix a reasonable percentage at the Select Committee stage. Now, after about six months, we meet again and hear the same reason that they are not in a position to furnish the necessary facts and figures before the House so that the House may be enabled to come to an understanding with regard to the maximum percentage which may be fixed with reference to this point. Sir, the Law Member, when he was replying to the amendment, laid down three definite points which he advocated before the House. The only object which is intended by this Bill is to impose upon the municipality an amount which will cover at least the working expenses. That is the first proposition. Secondly the Law Member assured the House that it is not intended by this Bill to get more than what is required for the working expenses. Thirdly, the Law Member stated that approximately a lakh of rupees will be the working expenses for pushing on with this scheme. Sir, basing my argument on these three points, I propose to convince the House, with facts and figures, that 7 per cent. would be enough to satisfy these three points. (The figures which I rely upon are those which the Chief Secretary and the learned Chief Engineer gave to the House last time).

Sir, there are two ways of looking at the question. Conceding the Law Member's proposition that a lakh of rupees is needed to meet the working expenses of the scheme then what ought to be the rate or percentage to be fixed so that the municipality may meet the expenses. The latest scheme that has been started in India is the Bangalore scheme. There for realising Rs. 3½ lakhs the tax imposed by the municipality is only 4 to 4½ per cent. Not only the working expenses but certain other calculations also were made and the municipality found that Rs. 3½ lakhs had to be realised from the citizens residing in the Municipality to meet the working expenses plus some interest on the capital outlay, depreciation charges and other things. For meeting that Rs. 3½ lakhs, the tax imposed upon is only 4 to 4½ per cent.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): May I know whether the member has any idea of the annual value of buildings in Bangalore as compared with that in Trivandrum?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): As to the difference, Sir, not only the buildings differ, but the importance of the city, the industrious state of the city, with reference to all these, absolutely there cannot be any comparison with Trivandrum, which is several times poorer.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): What is the 4 per cent. of the annual value in Bangalore as compared with the annual value here?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It will not stand comparsion. That is what I say.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): How is the member able to arrive at any sound conclusion without comparing the 4 percent. rental value there and the 7 per cent. rental value here?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Whatever may be the rental value, my argument is that, to cover a working expenses of Rs. 3½ lakhs, the percentage of tax is 4½.

MR. K. GEORGE (*Chief Secretary to Government*): Does the member know the items of contribution by which this Rs. 3½ lakhs is arrived at?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am now meeting one point of view of the Law Member. It is the intention of the Law Member to impose a tax upon the municipality simply to meet the working expenses which come to a lakh of rupees. If this is so, I ask the question whether the 7 per cent. which I propose is not sufficient. According to the existing Regulation 2½ percent is imposed and the income derived by the municipality is about Rs. 26000 or Rs. 30,000. Therefore, by making it 7 per cent. of course the municipality will be getting about Rs. 90,000 out of the enhanced tax and to meet the working expenses of Rs. one lakh there is not much difference. Some members were advocating that much money has been spent for the amenities of the Trivandrum Municipal town at the expense of the general tax-payer. I may even suggest that Government are making a gain out of the electric supply scheme, about Rs. 50,000 per year.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is the amount contributed on account of the electric charges in Government buildings?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not exactly know. I think provision is made for that also. Now it is a capital expenditure. No one directed the Government to undertake it on their own responsibility. They undertook street lighting and also supply to private persons and out of that they are making a gain of Rs. 50,000 per annum. Therefore if there is grievance from members from the moffussil that the general taxpayer's money is spent irregularly for the

amenities of the citizens of the Trivandrum town, such profits out of other schemes may also be diverted to meet the expenditure on account of the water supply scheme. That is my point. In Bangalore the water supply scheme on the whole costs about Rs. 50 lakhs. Here also to complete the first stage of the scheme it may come to roughly about Rs. 50 lakhs. Therefore if I remember the figures correctly, in Bangalore Rs. 25 lakhs were given by the Government as an outright grant towards the scheme and the remaining Rs. 25 lakhs-the Chief Secretary is shaking his head in a negative way. I shall quote what he said last time.

MR. K. GEORGE (*Chief Secretary to Government*): It is not a new scheme. The new scheme is at the Government's Cost.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it Bangalore Scheme?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): This is what he said "Rs.25 lakhs has been given as an outright grant."

With reference to the three alternative schemes suggested by the Chief Secretary (1) to incur capital expenditure and simply impose a tax upon the municipality to meet the depreciation charges etc. and working expenses and interest on the capital or, (2) to give Rs. 25 lakhs as part grant to the municipality and then take interest on the remaining Rs. 25 lakhs, and also the working expenses calculated on these things or to come to a figure which will be enough for meeting the expenses in connection with the scheme, or (3) to calculate the whole interest on the capital which the Trivandrum Municipality is expected to meet. Therefore even according to the Chief Secretary the only alternative is to accept the second suggestion, that is to consider Rs. 25 lakhs as outright grant and calculate interest on the remaining 25 lakhs and working expenses to be borne by the municipality. The interest on the remaining 25 lakhs will come to about Rs. 1,25,000 at 5 1/2 per cent.; but they can have no objection if a lower percentage of interest is charged, say 4 per cent. If that is accepted the amount will be lowered further. Then the annual payment the municipality will have to make at 4 per cent. may come to about Rs. 1,00,000, and including the Rs. 1 1/2 lakhs, the total will come to about Rs. 3 lakhs. approximately. They propose to get an income out of the Municipality of Rs. 1 1/2 lakhs. When I ask the question if it is intended by this measure to tax the municipality to the extent of meeting these expenses, I say 7 per cent. could be taken as a very fair rate. I said there may be something wanting to make up the percentage. Anyhow, the figures that I have given are only approximate.

MR. K. GEORGE (*Chief Secretary to Government*): By fixing 7 per cent, we will get only three times what we now get.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): At $2\frac{1}{2}$ per cent. it may come to Rs. 30,000. I rely on figures supplied by the Chief Secretary and the Chief Engineer. I say the learned Deputy President suggested

[Mr. K. P. Nilakanta Pillai.]

that, if the present Bill is only a tentative measure to be worked tentatively and to be changed in view of the experience that we get out of the actual working of the system I ask the question why 7 per cent. should not be accepted as a tentative measure. No body now seems to be in a position to know the paying capacity of the rate-payers of the Trivandrum Municipality. One thing we all know. The existing Regulation was passed some years back and the Trivandrum Municipality was being given the power to tax the citizens up to the maximum of 5 per cent. But they never attempted it. That clearly shows that the citizens are not in a position to bear even the 5 per cent taxation. Now by my amendment, I am enhancing the taxation roughly by 200 per cent. Therefore I am asking the question whether any body can propose any other method by which the innocent citizens of the Trivandrum Municipality, who never knew what the consequences of this costly scheme would be, could be taxed more than 200 per cent. That is the most important question which the members on this side of the House have to consider.

MR. K. GEORGE (*Chief Secretary to Government*): After fixing the maximum, are we not to consider the possibility of a drainage tax?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes. The whole section is inclusive of both water supply and drainage. The existing taxation is both for water and also for drainage; and now the proposed enhancement is only for water supply. The drainage charges are even now met by the municipality. As a matter of fact the Trivandrum Municipality is a sleeping municipality. It has not undertaken any excellent or useful drainage system. It has yet to do it. Anyhow the Section allows them to collect taxes for drainage also. The present tax collected includes both house tax and drainage tax. Anyhow they have not differentiated. On these grounds I propose my amendment, and if it is found by actual working that the percentage now fixed is not sufficient, we may get more accurate figures and consider whether we cannot go a step in advance.

MR. RAMA VARMA RAJA (*Edavagai*): I second it.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Sir, I would give my emphatic support to the motion of Mr. Thanu Pillai. Now that 2 or 3 amendment motions are before the House, I would submit that I would give my first preference to Mr. Thanu Pillai's motion, second perference to Mr. Nilakanda Pillai s motion and my third prefernce to Mr. Govindan's motion. But the whole difficulty as Mr. Nilakanta Pillai has just now pointed out, rests on the fact that Government have not been able to enlighten us as to the extent of the financial burden that the fixing of a minimum may cost upon an average citizen. Sir, may I ask the Government what is the rate fixed for the house tax? The Regulation fixes a maximum of 5 per cent. But what is the rate at which house tax is actually levied. Sir, it has not gone beyond 2½ per cent. and even this rate the average citizen of

the Trivandrum Municipality is unable to pay. In these circumstances, my submission is, it is neither fair nor just to expect the citizens to pay more for water than what they pay for their houses. Therefore, my submission is that it is certainly unfair, particularly in view of the present economic distress, to fix the maximum beyond 5 per cent. For these reasons, as already pointed out, I would support Mr. Thanu Pillai's motion, failing which, and in case the voting is to be made in the order suggested by Mr. Thanu Pillai, I would give my vote according to what I submitted.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I am really surprised at the stand that Government have taken with regard to my amendment. The question was put by the Law Member as to how it was that the municipality or this Council or the member who represents the Trivandrum Municipality in this Council did not object to the scheme before this, that this House sanctioned the funds and that the scheme was taken in hand and hesaid that this is not the time to come forward and object to it. Sir, I little expected such a contention from Government. They are not even to-day able to supply us with details as regards the financial aspect of the scheme. Whenever a Government or a corporation or other body undertakes a scheme like this, the first thing that they should do is to work out the details of it not only from the point of view of the Engineer but also from the financial point of view. But the Government never cared for it. Last time when this matter was discussed the Chief Secretary told us very clearly that the Governnent thought that it was a necessary scheme and that they wanted to adopt it and to work it whatever the cost. That was what he told me. I myself interpellated Government as regards the burden that would be imposed upon the Trivandrum citizen in consequence of the scheme on more than one occasion before. And I must tell the House that Government were not then in a position to give me an answer. If they were not able to give me an answer is it my fault, I ask; and is it not the fault of the Government that they are even to-day not in a position to supply me with an answer. They may say, of course, that the working expenses may approximately come to one lakh of rupees or that they may come to Rs. 1½ lakhs. But the businesslike statement of the expert based upon forecasts is not forthcoming. Even now it is only a vague guess, not the expert's forecast but a guess, pure guess.

As regards the municipality not objecting, all that they said, even according to what the Law Member now states is that they suggested that the water supply scheme would be beneficial. They were never told what the cost of the scheme would be or that they would have to bear a substantial portion of it. Nothing like that happened and so nobody can be taken to task for not objecting to it. Beyond all that when the Government undertake a beneficial scheme, do they expect any reasonable being to come forward and say—'No, do not do this?' Of course, if the Government inform the municipality that if the scheme was taken up the working expenses would have to be borne by

[Mr. A. Thanu Pillai.]

them and what the burden would be and asked them whether they wanted it, certainly the municipality would have considered it. Government said that they did not consider that aspect of the matter. So, that contention cannot bed raised at all.

Sir, the main questions are these. It is not merely a question of the cost, the interest on the outlay, the outlay itself and the cost of working the scheme. There is the equally important, and I may say even more important, point of view, *viz*, the capacity of the people to pay. Now, many of my friends on this side of the House who merely emphasised the cost of the scheme and the working expenses forgot to take into account the capacity of the citizen to pay. I should maintain that this is the prime consideration. If the municipality could not afford sufficient funds, the municipality would not have gone for such a scheme and the municipality has no business to go in for it when it sees that under existing conditions the inhabitants would not be able to meet the cost. That is a position that cannot be controverted. So, that aspect of the matter should receive the earnest consideration of this House.

MR. M. GOVINDAN (*Nominated*) : What are the data which enable the member to say that the municipality will not be able to raise the money to meet the working expenses ?

MR. A. THANU PILLAI (*Trivandrum*) : The member is himself a member of the Trivandrum Municipality and does he make the statement here that the municipality will be able to divert a lakh of rupees out of its funds to the credit of the water supply scheme ?

MR. M. GOVINDAN (*Nominated*) : The member said that the people are incapable of bearing the burden of any increase in the tax. I want to know on what data he bases his statement?

MR. A. THANU PILLAI (*Trivandrum*) : Does the member say that the Trivandrum People are in a position to do it ? Sir, I make the statement on this solid fact that the Trivandrum Municipality is doing very little by way of real municipal work. I am an inhabitant of the town. The place near my residence is kept in a highly insanitary condition. Why not the municipality raise the tax from the present 2½ per cent. of the annual rental value and attend to municipal work better and attend to lighting better. Why do they neglect the lanes and allow them to remain in a highly insanitary condition, unfit for human approach ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to a point of order. This is not relevant to the debate on the amendment before the House.

PRESIDENT : You should be briefer Mr. Thanu Pillai.

MR. A. THANU PILLAI (*Trivandrum*) : At present the municipality is allowed to raise the rental but it has not done so, not because it has ample funds but because the persons residing inside the Munici.

municipality are unable to pay. more My own impression is that the municipality is labouring under deficiency of funds and the Government are even to-day helping them. I think this year's Budget provides for Rs. 15,000 or Rs. 18,000 as grant to the Trivandrum Municipality. What does it show ? Certainly that the municipality has not got surplus funds.

A Water Supply Scheme for Trivandrum is a necessity. I concede that. The point was raised that it is after all a scheme beneficial only to the Trivandrum citizen. Sir, even though at the risk of repetition, I should emphasise this fact. If we want a State, we want a capital and, we have it here. We want colleges. we want important public offices, the law courts and so forth in the capital. We have got all these institutions in the town of Trivandrum. There is the Huzur Secretariat. The Dewan's Office is held here. The High Court, the offices of the more important of the Heads of Departments, the Government Colleges, are all in this city of Trivandrum. Now, such a place is necessary and we must also remember that Trivandrum has become congested and has come to stand in need of a water supply scheme, not because it is an industrial city or a highly commercial city but simply because it is the headquarters of the State, simply because of the offices, the colleges and the courts here. That, I take it, will be conceded to be a national concern. It is not for the benefit of the Trivandrum citizen alone that this city has grown. It is a necessity for the State. Then, if we want the colleges, the hostels, the High Court, the Secretariat, and so forth we want all these institutions in a healthy city. We want the city to maintain a high standard of public health so that the country itself may not suffer. So I maintain, Sir, in spite of all opinion to the contrary that this is a national concern—the capital of the State and the well-being of the capital—and public funds ought to be spent for it, especially in a country like ours where the city cannot take care of itself for want of funds. Under such conditions, public funds must be used. I am also prepared to concede—and I never deny that fact—that other important towns, for instance, Alleppey, which is the commercial capital of the State, also must be helped if necessary from the public funds so far as public funds would permit. There is no point in saying that it is all to the benefit of the Trivandrum citizens. If it is conceded that this is a national concern, then public funds must be provided. What is the use of taxing the Trivandrum Citizen beyond his capacity, especially at this time of great economic distress ?

Now, the proposal is seriously put forward as a tentative measure. Sir, is this the time to increase the burden on the rate-payer or the tax-payer ? You say that it is a time of extraordinary pecuniary distress and grant remissions and in this matter alone, so far as the citizen of Trivandrum is concerned, you increase his burden very much. I put the question by how much will you increase this burden?

[Mr. A. Thanu Pillai.]

Now it is about Re. 1 chs. 14 per head of the population. By adopting this 10 per cent maximum, the citizen of Trivandrum who is already paying Rs. 1¾ will be asked to pay all at once Rs. 2½ instead. Is this right, I ask, especially at this stage? I would say emphatically no. So, I cannot support this 10 per cent-maximum. We must be content with the 5 per cent-maximum for the time being. It has also been observed that the City Municipal Bill will soon be considered by the new Legislature. It will be time for us then to consider the thing in the two Chambers by larger bodies at greater leisure. Let us, for the time being, be content with this 5 per cent.maximum. We are not going to lose much; and, after all, even though Mr. Westerdale has been promising us pipe water the fulfilment of the promise has been put off and if we can judge things from the existing conditions, I do not think we shall be able to get pipe water in the course of this year either, because the dam is not completed, and, near the observatory hill, I find the high level reservior just emerging out of the earth. When such is the progress, of the works where is the hurry about this measure? I would in all seriousness suggest to the House—let us be content with the 5 per cent. Let us not go beyond it till the time comes; and when the new Legislature meets, it will be time for us to consider this along with the Bill which will deal with all municipal questions.

Sir, the point was again and again emphasised that this Bill will relate only to the Trivandrum Municipality. In a matter like this again at the risk of repeating, I must say that that is not the way to view things.

I do not think that any other substantial point was raised. Mr. P. S. Mahomed said that other towns would suffer. Even in the case of other towns, if they want a scheme like this, it is a matter for consideration whether they would go beyond the 5 per cent. maximum. Again, the Bill relating to all municipalities will be considered and why should we at this time of economic distress increase it and make it double and there is no reason why under suitable conditions the State finances should not be made available for a town like Alleppey.

Sir, I do not want to take more of the time of the House. I have made my position clear and I hope this House will support my amendment.

PRESIDENT: Mr. Nilakanta Pillai, have you anything to say?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have nothing more to add.

MR. M. GOVINDAN (*Nominated*): I should have liked to support my friend Mr. Thanu Pillai in every respect. Of course, if the most important contention of his is that it is not the minimum but that it is the maximum that has to be prescribed, I would have supported. But when he says that 6 chuckrams per head per mensem is too high a taxation in a municipality, I disagree with him.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether it is a fact that the Trivandrum Municipality has passed a resolution that the watercess should not be enhanced at all and that the present maximum of 5 per cent should be retained?

MR. M. GOVINDAN (*Nominated*): I am not in possession of that fact. If there is such a resolution, it does not improve matters. That is my idea and perhaps it is a justification for the anticipation of Government that there will be a degree of disinclination for taxation exhibited by the Trivandrum Municipality and therefore it is that a minimum and not a maximum has to be prescribed. Very often the question was asked by my friend about the data. I am surprised that while he himself is not in possession of data or any comparative figures in regard to other municipalities he should be only putting this question without any constructive idea regarding what may be done in the matter. Somehow or other, we have spent a lot of money and some amount has to be realised annually and, in doing so, we should be fair to the general taxpayer also and all that my amendment connotes is that a fair margin should be allowed for discretion to be used, particularly in view of the fact that we are not in possession of any reliable data.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether the Trivandrum Municipality is not pressing upon Government for loans time after time?

MR M. GOVINDAN (*Nominated*): That is because the Trivandrum Municipality is perhaps not quite ready to tax as it ought to.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member why, when the municipality is given the power to raise the tax up to 5 per cent. it has not attempted to enhance the tax beyond 2½ per cent?

MR. M. GOVINDAN (*Nominated*): If my friend is prepared to blame the municipality for that, I am prepared to blame the municipality all the more.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether the municipality did not consent to a proposal brought forward for increasing the tax?

MR. M. GOVINDAN (*Nominated*): It is not that. There is a sort of general disinclination to the enhancement of any tax. It is a common weakness of all Travancoreans and perhaps of others also. That is the reason.

With these few words I would request the members to wholeheartedly support my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I have got only a few observations to make. It has been stated here that the water works were started by Government on their own responsibility and practically without telling anybody anything about it. I may remind the House that every year the amount of capital required for this scheme was placed before the House for its vote and

[Mr. Kalayalam Paramesvaran Pillai.]

was voted upon by them and I believe the House knew what it was doing. Now, Sir, if this House voted for this expenditure, it may be taken that as business men the members knew what the consequences were. I venture to say that they should have thought as to who should pay for the working expenses of the scheme.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What prevented the Government from ascertaining the views of this House on this matter as they did on the Pallivasal Scheme?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The views of the House were certainly ascertained at the time when the capital expenditure was submitted to their vote and the House voted the amount and at the last Budget meeting Rs. 9½ lakhs was voted for this scheme.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): This aspect of the question was never discussed in the House then.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not quite sure. But the House voted for it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Was it ever discussed in this House?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was occasion ever given for discussing this measure here?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; when the demand was placed before the House. Now after Government have obtained sanction of the House, the only question is whether the working expenses should be met by the general tax-payer or by the Trivandrum Municipality. I am sure the House will agree that the general tax-payer should not be called upon to meet the working expenses of this scheme. It is intended for the benefit of the Trivandrum citizens. I shall not say more upon that. As I said, the working expenses will come to a lakh or a lakh and a half. The house-tax is about Rs. 25,000. A 10 per cent-cess will come to about a lakh of rupees. I do not know how Mr. K. P. Nilakanta Pillai arrived at seven per cent.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If my figures are not correct, I wish to know whether the member is in a position to give the House definite figures?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A revision of the house-tax is about to take place. At present it is only Rs. 23,000 or Rs. 25,000. The least that we can think of is Rs. 50,000. We are thinking of collecting one lakh of rupees by imposing ten per cent. The question can be raised whether one lakh can be raised by 10 per cent. Mr. Govindan says that the clause may be so altered as to allow the municipality to tax up to 10 per cent. Having regard to the objection raised to the fixing of the

minimum as a statutory provision I am prepared to yield to the point particularly because I have made it clear in this House that what the municipality will be called upon to contribute will be not less than five per cent. I am prepared to accept Mr. Govindan's amendment fixing a maximum that will be put as 10 per cent., but no minimum.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government will undertake to state that it will not be applicable to any municipality other than Trivandrum?

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Government are in a position to tell the House whether the Trivandrum Municipality has passed a resolution that no more tax should be enhanced?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I claim notice of it.

MR. A. THANU PILLAI (*Trivandrum*): When this Bill is being discussed, notice is being claimed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even Mr. Govindan, a member of the Trivandrum municipality says that he has no information.

MR. A. THANU PILLAI (*Trivandrum*): Is not the member aware of the fact that the Trivandrum Municipality has passed a resolution and forwarded it to Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am clear in saying that I am not aware of that. If the member had asked before we rose for lunch, I could have in the interval ascertained the matter.

PRESIDENT: There are three proposals before the House in regard to the water-tax. The Select Committee has proposed that there should be a minimum of five per cent. But there are three amendments to delete this minimum and propose three different maximums. Mr. M. Govindan proposed a maximum of ten per cent. Mr. K. P. Nilakanta Pillai wanted a seven per cent. and Mr. Thanu Pillai a five per cent. and I shall take Mr. Govindan's amendment first.

MR. A. THANU PILLAI (*Trivandrum*): I beg to be excused for making a suggestion.

PRESIDENT: No, you cannot. I want to make it plain that in voting on Mr. Govindan's amendment, those favouring seven per cent. and those in favour of five per cent. must vote against it. Similarly when putting Mr. K. P. Nilakanta Pillai's amendment those favouring ten per cent. and five per cent. must vote against it. If all the amendments are lost, then of course, the minimum of five per cent. will stand.

Mr. M. Govindan's amendment is to delete the words "*not below five per cent*" and substitute "*not exceeding ten per cent.*"

The amendment was put to the vote of the House and carried, 34 voting for and 2 against.

MR. A. THANU PILLAI (*Trivandrum*) : I demand a poll.

A poll was taken with the following result.

AYES—36.

1. Mr. K. P. Abraham
2. „ K. C. Chandi
3. „ S. Chattanatha Karayalar
4. „ A. S. Damodaran Asan
5. „ R. Dhanukoti Pillai
6. „ K. George
7. „ K. Gopalakrishna Pillai
8. „ M. Govindan
9. „ N. John Joseph
10. „ K. C. Karunakaran
11. „ K. I. Kocheeppan Mappillai
12. „ K. P. Kochukora Tarakan
13. „ K. Krishnan Nayar
14. „ E. V. Krishna Pillai.
15. „ Tariatu Kunjitomman.
16. „ A. Kumara Pillai
17. Rao Sahib Dr. N. Kunjan Pillai
18. Mr. C. O. Madhavan
19. „ M. P. Madhavan Pillai.
20. Mr. M. Mahomed Mustapha
21. „ P. S. Mahomed
22. „ E. G. McAlpine
23. „ M. N. Narayana Menon
24. „ K. Narayanaperumal Nadar
25. „ A. Narayana Pillai
26. „ B. Narayana Pillai
27. „ N. Nilakanta Pillai
28. „ R. Nilakanta Pillai
29. „ K. Padmanabha Panikkar
30. „ N. K. Padmanabha Pillai
31. „ Kayalam Paramesvaran Pillai
32. „ S. C. H. Robinson
33. Dr. B. L. Slater
34. Mr. C. N. Srirenganatha Sastri
35. Rao Bahadur A. Venkatarama Aiyar
36. Mr. J. S. Westerdale

NOES—2.

1. Mr. K. P. Nilakanta Pillai
2. Mr. Rama Varma Raja

NEUTRALS—

1. Mrs. Anna Chandi
2. Mr. N. K. Krishna Pillai.
3. „ S. Krishna Pillai.
4. Mr. K. Madhavan Pillai.
5. „ K. P. Madhavan Pillai
6. „ A. Thanu Pillai

MR. A. THANU PILLAI (*Trivandrum*) : I wish to make a statement in regard to that. I beg to state that ten per cent. was accepted by the Government. There is no use of voting on it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I move—

In clause 3 (7) (ii), substitute the word "shall" for the word "may".

The clause as it stands reads thus :—

"The Municipal Council *may*, with the sanction of Our Government exempt any local areas from the whole or a proportion of the water and drainage tax on the ground that such areas are not deriving benefit from the water supply or drainage system".

Instead of the word "may" I want to put in the word "shall". That is the purport of the amendment. The amendment is clear. By this clause it is intended after the water supply scheme is actually introduced, if there is any local area which does not derive the benefit,

of the scheme, the Municipal Council may exempt that area from the taxation. When the amendment is pressed, properly it will come to this. If, as a matter of fact, after the introduction of the water supply scheme there is any local area which has not derived any benefit from the scheme then that local area shall be exempt from taxation. The difference is very clear. That proceeds from the view point that there is no taxation without an opportunity to derive benefit out of this scheme. Many of the members on this side of the House were voicing forth the opinion that the Municipality of Trivandrum must bear the cost of the whole scheme because the scheme is going to benefit the Trivandrum Municipality exclusively. Then I asked this question; if any part of the area which does not derive the benefit why should that area be taxed. On the face of it, such taxation is very unjust. It is very reasonable on our part to compel the municipality or other body which may work out this scheme for supplying to that local area if there is a demand and to exempt that local area from the additional tax that will be imposed on account of the extension of the water supply scheme. This requires no more arguments. Under this existing Regulation, the municipality, according to their whims and fancies, by a publication in the *gazette* includes some portion of the taluk within the municipal area. The owners in those areas may have to pay all the existing taxes under the Municipal Regulation but they have absolutely no service by the municipality. There is no scavenging, no lighting, and no sweeping, but they are compelled to pay tax. Therefore the force of this amendment becomes all the more clear when we look at it in a particular way, *viz.*, that an area should be exempted from additional taxation which does not derive the benefit of that taxation. That is the object of this amendment. When we go on considering the Bill further, I have given some other amendments by which the citizens of a particular area in a particular municipality may compel the municipality to extend the scheme to that area. Here the Bill, as it is drafted, is defective in two ways. It does not give an obligation to the municipality to extend the scheme when people are willing to pay for it. On the other hand, even though there may not be this extension to an area where people demand it, the municipality has the right to tax the people of that area. That is an unsound thing. That explains the object of my amendment. With these words, I place the amendment before the House.

MR. RAMA VARMA RAJA (*Edavagai*): I Second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid I cannot accept this amendment. I think it is more in the fitness of things that it should be left to the discretion of the municipality to take action in a fit case. Therefore it is better to have the word 'may'. Even if we put the word "shall", that may not serve the purpose that Mr. Nilakanta Pillai has in view. The municipality can only take action after getting the sanction of Government. Is it to be assumed that if the sanction has been applied for and obtained, the municipality will refuse to act? I think it is quite clear—

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If the municipality recommended to the Government and obtained the sanction, it can very well go behind it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Will they refuse to act when they have got the sanction?

Without Government sanction the municipality cannot act. Let us substitute the word "shall". Even then, they cannot act without the sanction of the Government. If Government sanction is not given they cannot act. But whether the municipality will not ask for sanction in a fit case is a contingency that cannot be thought of.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Even if the Government approve of the recommendation of the municipality, it is left to them to tax or not to tax.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : But once the municipality thinks it necessary to act, then alone it will apply for sanction.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Is it intended that tax should be collected even from those areas to which water is not supplied?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) . It will be done according to the judgment of the municipality.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Could anybody compel the municipality to supply water under the law to any local area?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think they can be compelled to supply water to a house.

MR. A S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know the reason why Government should empower the municipality to collect tax from those places?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The municipality may exempt the places with Government sanction. The object of this statutory provision is to enable the municipality to exempt certain areas if they think necessary.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) What I wish to know is whether there is any right to compel the municipality to supply water to particular places.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I draw the attention of the Law Member to the amendment which I have proposed and ask him whether the argument he has now put forward falls short?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is for the House to judge of my argument. When the water supply has commenced, and any particular area does not actually

get water, that area may be exempted. But it must be remembered that the water supply is for the city as a whole. Therefore it is open to the Municipality to say on grounds of the interest of the citizens at large that they shall not exempt this local area.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The general rule is that the whole city will be taxed although particular parts will not be supplied with water. Is that so?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). It is for the municipality to speak on the merits of each case whether a particular area will or will not be exempted. That is the case in all the municipalities.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I beg to make one observation on this point. The law does not enable a citizen of this town to get water whenever demanded. The general rule is whether water is supplied to a particular area or not, the municipality should impose a tax on the inhabitants of the whole city and if the municipality deems fit they could, with the sanction of Government, exempt that particular area from tax. I fear such a clause as exists now in the Bill could not be accepted in the intreresets of the general public.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose the Government ask the municipality not to exempt a particular locality, has the municipality power not to obey Government orders?

MR A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That is what I say. The inhabitants who do not derive any benefit will have to pay.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So, is there any use in asking the Government to exempt?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am opposing the clause as it is.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): In the absence of some amendment restricting the powers of Government or the municipality from not giving exemption, will the member object to the existence of that clause?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am finding some difficulty in regard to that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): You can bring some amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am just expressing the view in order that the House may come to a correct decision.

MR. J. S. WESTERDALE (*Chief Engineer*): There are two reasons why I oppose the amendment. In the first place I have to point out that the words "deriving benefit" are not susceptible of exact definition. So long as there are water pipes, within a reasonable distance of any house that house may derive benefit from the water supply though the extent of the benefit may be a matter of opinion. So long as 'deriving

[Mr. J. S. Westerdale.]

benefit' cannot be exactly defined, there should not be provision in the Bill for a definite right of exemption.

The other reason is this. A municipality is a corporate body and it should not be considered in separate units for the purpose of its water supply. One of the main purposes of the creation of a municipality is to enable property owners to co-operate and pay as a corporate body for works, such as water supply, which are of benefit to the town as a whole. There is however a limit to which a municipality can raise funds by taxation and it may not be possible to lay pipes in every road and lane in the town. There is no justification however, for granting exemption from water tax to any house, merely because a water pipe does not run past its front door, so long as the supply is of benefit to the town as a whole. In the case of Trivandrum, for example, it might be justifiable to tax the whole town for supplying a water supply to the congested area round the Chalai Bazaar and the Fort alone, if this would protect the town as a whole from epidemics of cholera and other water-borne diseases. In this case the House appears to be generally of the opinion that we are already spending too much on the Trivandrum Water Supply Scheme. If we extend it to every little lane it will only increase the cost of the scheme. Therefore I contend that in a municipality, ordinarily, everybody would pay for the benefit derived for the whole town. The only purpose of having this clause at all is to enable a municipality in exceptional cases to grant exemptions. Therefore I oppose the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Law Member said that even if the amendment is accepted the municipality cannot go behind the orders of Government. Anticipating such an argument from the Government, I have sent in another amendment to be added as sub-clause (iii). In case I succeed in passing that amendment as part of the Bill, then the objection now raised by the Law Member would disappear.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Whatever that be, the municipality has to obey the orders of Government.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I would draw the attention of the member that Section 6 begins with 'that the following shall be substituted'. Nowhere is mention made about the municipality obtaining the sanction of Government. Even the sub-section (1) which is proposed to be substituted does not mention about obtaining the sanction of Government beforehand. Now in sub-clause (ii) that is said. Therefore, I do not think that sanction of Government can be taken to apply to the whole Section. Definitely we enact a law to the effect that the municipality shall be compelled to supply water when there is any demand for it. If that becomes part of the clause then there is no doubt about the intention of the legislature. The legislature also wants a municipality not to levy tax in a locality which does not derive water. These two propositions go together. Therefore there is not much ambiguity about my present amendment. That has to be read along with the amendment that is to follow. Anyhow

I think the House will be convinced of the reasonableness and equity of my amendment. Why should we enact a rule which says that all portions of the town be taxed whether it gets benefit or not. It is simply absurd to say that a portion which does not derive benefit from water supply should be taxed. If the House wants, let it pass a measure which says that a town or adjoining part of the town may be taxed for the supply of water to the town or a portion of the town.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Suppose there is demand for drainage from any section of the town? It is suggested in the amendment that "the Municipal Council shall not refuse water supply or drainage system to any locality......... ....where there is a clear demand for it."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) That has to be understood with reference to the practical working of the water supply scheme that is when the main supply scheme is extended to an area where there is deficiency of water or where the existing water is useless.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can any portion of the town demand water supply and drainage scheme together?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I would invite the attention of the member to clause 190 which says that sanction of Government must be obtained by a municipality if it wants to extend water supply. In the face of that fact, can my friend conclude otherwise?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I would refer my friend to Section 199 (2). It says that in any water supply scheme, Government is not to have complete control of the scheme.

PRESIDENT: Please confine your remarks to your amendment.

Therefore, in the circumstances, we can more or less imagine that the Government will hand over the control of the whole scheme to the municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, before you allow the House to vote on the subject I wish to get one point cleared from the Law Member. If that is cleared and if there is absolutely nothing for Government interference, surely all of us will vote for the amendment. If not, there is no use of voting.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As it is, Sir, all that is required is an authority for the municipal Council. It is expected that the municipalities will take care of the interests of the city. Therefore, unless the statute confers on them authority to exempt any place, they would not be able to exempt.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Can the municipality, of its own accord and without any reference to Government, extend the scheme to any local area, under the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That has nothing to do with this amendment. When the clause relating to that comes up, I will explain. Here, the point is whether the municipality should be merely given the *authority* to exempt or whether it should be put under an *obligation* to do so, under the statute.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Nilakanta Pillai has clearly stated that, in view of the fourth amendment which requires the municipality to obey the wishes of the inhabitants he is in order in opposing the third amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He is quite in order. But I am explaining first of all the unreasonableness of it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): My point is this. Can the Law Member tell me whether under the Bill, the municipality, without any reference to Government whatsoever, can extend the scheme to any local area?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkr Vakil*): So far as the Trivandrum Municipality is concerned they can do that with the sanction of the Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it so under the Bill?

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

PRESIDENT. The amendment before the House is to substitute the word "shall" for the word "*may*" so that the Section will read "*The Municipal Council shall with the sanction of our Government exempt any local area*"

The amendment was put to vote and lost.

Clause 3 was then put to vote and carried.

Clause was added to the Bill.

The Council adjourned at 4-50 p. m.

A. KUMARA PILLAI,

Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(OFFICIAL REPORT, Vol. XXII No. 4.

Tuesday, the 13th December 1932/28th Vrischikam 1108.

The Council met in the Victoria Jubilee Town Hall at Eleven thirty of the Clock, the President presiding.

QUESTIONS AND ANSWERS.

List of holidays for the Judicial Department.

24. **MR. K. GOPALAKRISHNA PILLAI** (*Parur*): Will the Government be pleased to state:

(*a*) why some of the Hindu holidays were removed from the list of holidays for the Judicial Department;

(*b*) who was responsible for including them; and

(*c*) who was responsible for removing them?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The reduction of holidays was made on the basis of the report of the Madras Retrenchment Committee, with a view to increase the number of working days for the Judicial Department, and to lessen the arrears.

(*b*) The Government.

(*c*) The holidays which were cancelled were selected by the Government with the approval of the High Court.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): With reference to the answer to part (*a*), may I know whether the Retrenchment Committee appointed by the Travancore Government has recommended such a step?

MR. K. GEORGE (*Chief Secretary to Government*): I do not think they did it.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Has the Law's Delays Commissioner recommended it?

MR. K. GEORGE (*Chief Secretary to Government*): The Law's Delays Commissioner also does not seem to have recommended it.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know what induced the Government to go in for the Retrenchment Committee of Madras?

MR. K. GEORGE (*Chief Secretary to Government*): Because the Government felt that it was a very useful suggestion and the High Court has agreed.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know whether Government will be prepared to adopt similar recommendations from the Retrenchment Committee of Madras?

G. P. T. 1694. 300.

MR. K. GEORGE (*Chief Secretary to Government*): All useful su ge stions will be welcome to them.

Reduction of the number of public holidays.

25. **MR. A. THANU PILLAI** (*Trivandrum*): Will the Government be pleased to state:

(*a*) the grounds on which they recently reduced the number of public holidays; and

(*b*) the reason for removing each of the days thus reduced from the list of holidays?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The reduction of holidays is for the Judicial Department alone. It was made on the basis of the report of the Madras Retrenchment Committee, with a view to increase the number of working days for the Judicial Department and to lessen the arrears.

(*b*) The particular holidays to be reduced were fixed in consultation with the High Court.

MR. A. THANU PILLAI (*Trivandrum*): Was the desirability of cutting short the long vacation considered by the Government in connection with the reduction of arrears?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, it was considered.

MR. A. THANU PILLAI (*Trivandrum*): May I know why that was not found expedient instead of reducing the holidays?

MR. K. GEORGE (*Chief Secretary to Government*): The High Court was not in favour of that.

MR. A. THANU PILLAI (*Trivandrum*): May I know the grounds on which they opposed that and suggested the removal of certain days from the list of holidays?

MR. K. GEORGE (*Chief Secretary to Government*): They merely said that they were not in favour of shortening the vacation.

MR. A. THANU PILLAI (*Trivandrum*): May I know the particular holidays that are made working days now?

MR. K. GEORGE (*Chief Secretary to Government*): That has been published in the *Gazette*. If the member wants, I will read it out. They are

In Chingam	Vinayaka Chathurthi
,, Vrischikam	Thrikartikai
,, Makaram	Thai Pongal
	Mattu pongal
	Vavu Orikkal
,, Meenam	Yugadi Pandigai
,, Medom	Chithirapournami
,, Mithunam	Karkataka Sankranthi
,, Karkatakam	Vavu Orikkl
	Adi Aruthi.

MR. A. THANU PILLAI (*Trivandrum*): Are the Government aware that many of these days are particularly important festival days or religious days either for the whole of the Hindu community or for particular sections of the community?

MR. K. GEORGE (*Chief Secretary to Government*) These are the holidays which seemed to the High Court and to the Government such as may be converted into working days.

MR. A. THANU PILLAI (*Trivandrum*): I may mention to the Government that Mattu Pongal is a very important day for the Tamilian community. Did the Government consider that aspect of the matter?

MR. K. GEORGE (*Chief Secretary to Government*): This is the express opinion of the High Court and so Government accepted their opinion.

MR. A. THANU PILLAI (*Trivandrum*): The High Court never submitted any grounds for their decision?

MR. K. GEORGE (*Chief Secretary to Government*): The holidays were selected first by the Government and the High Court was consulted. Government selected 12 days as the High Court said that we could reduce the number of holidays by 12. Government selected the 12 days and referred to the High Court whether they accepted those days. They accepted all except two which have been omitted since.

MR. A. THANU PILLAI (*Trivandrum*): May I know those two holidays which were not accepted by the High Court?

MR. K. GEORGE (*Chief Secretary to Government*): Ashtami Rohini and Deepavali days.

MR. A. THANU PILLAI (*Trivandrum*): Now, may I know why the Government thought that these holidays may be removed from the list of holidays—for instance this particular one—Thai Pongal? Were the Government aware of the basis on which that was made a holiday?

MR. K. GEORGE (*Chief Secretary to Government*): There were too many holidays and Government thought these were the least difficult ones to abolish. Those that are left are apparently more important.

MR. A. THANU PILLAI (*Trivandrum*): Do they know that Thai Pongal is a very important day for the Tamilians?

MR. K. GEORGE (*Chief Secretary to Government*): I accept the member's statement to that effect.

MR. A. THANU PILLAI (*Trivandrum*): Did the suggestion of taking away these holidays proceed from the Government?

MR. K. GEORGE (*Chief Secretary to Government*): The High Court asked the Government to fix the holidays that could be reduced. Government selected 12 days and consulted the High Court whether they agreed. They agreed except in the matter of 2 holidays.

MR. A. THANU PILLAI (*Trivandrum*): May I know the number of Hindu holidays that remain as holidays?

MR. K. GEORGE (*Chief Secretary to Government*): The total number may be about 34. I have not got the full list here.

MR. A. THANU PILLAI (*Trivandrum*): May I know why Government did not consider the desirability of reducing the period of the vacation?

MR. K. GEORGE (*Chief Secretary to Government*) Government did not want to go against the express opinion of the High Court.

MR. A. THANU PILLAI (*Trivandrum*): Was that to suit the convenience of the Judges and the lawyers?

MR. K. GEORGE (*Chief Secretary to Government*): That may have influenced the High Court.

Export of gold from the State.

26. **MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): Will the Government be pleased to state the amount of gold exported from this country during the last two years?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The Excise Commissioner has reported that no gold was exported through the customs houses in the State during the years 1106 and 1107.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Does this answer mean that if gold is exported from the country, Government are not aware of it?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): In the answer it is stated that the Excise Commissioner has reported that no gold is exported through the chowkeys.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I know if gold is exported from this country, Government would get any information regarding it?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The information of Government is that gold was not exported.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): That is to say, Government are not in possession of information that gold is exported?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government are not aware of any export of gold from Travancore.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Is export of gold dutiable?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): No.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Is the Customs Office bound to take account of articles that are not dutiable?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The chowkeys are expected to note even non-dutiable articles.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Because the customs authorities have not taken note of it, are Government convinced that no gold is exported?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The only information available to Government is that gold has not been exported.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : I want to know if Government consider that information regarding the export of gold in these days of economic distress of any use to this State?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Whether the information is useful or not is a matter of opinion.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Are the Government aware that gold is being exported from the State?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Government are not aware.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Have they no information?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : No.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Do they consider it necessary to collect that information, regarding the export of gold from this country to other countries?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The information, so far available to Government, is that no gold has been exported. They have no reasons to doubt that information.

Sub-Registry Offices closed in 1106.

27. **MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) Will the Government be pleased to state :

(*a*) the number of Sub-Registry Offices closed in the year 1106 ; and

(*b*) the financial gain to the Government from closing them?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Three.

(*b*) Rs. 7,128 per annum.

Action on the report of the Minor Irrigation Committee.

28. **MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) : Will the Government be pleased to state :

(*a*) when the report of the Westerdale Committee on minor irrigation was received by the Government ; and

(*b*) the action so far taken by them on this report?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) :

(*a*) The report was received on the 4th October 1931.

(*b*) (i) Instructions have been issued to the Land Revenue Commissioner and the Director of Agriculture and Fisheries to the effect that agriculturists and planters should be warned against the evils resulting from the cultivation of grass lands and other forest lands adjoining sources of irrigation.

(ii) The recommendations in respect of amendment to the Irrigation Regulation and the rules to be issued thereunder, have been referred to the Additional Head Sirkar Vakil and he is drafting a consolidated amendment as suggested.

(iii) The Land Revenue Commissioner has been asked to forward specific proposals to make the Remission Rules more elastic.

(iv) The other recommendations in the report are being considered.

List of minor irrigation tanks.

29. **MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): Will the Government be pleased to state whether a list of minor irrigation tanks was appended to the report published?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The answer is in the negative.

Rule re: levy of tax on motor vehicles passing from Travancore into British India.

30. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram* cum *Shencotta*): Will the Government be pleased to state;

(*a*) whether they are aware that motor vehicles passing from Travancore into British Indian territory are subject to taxation under the Motor Vehicles Act (Madras), irrespective of the duration of their stay in British India;

(*b*) whether they have considered the incidence of taxation under the recent amendment of the rules under that Act on owners of motor vehicles resident in Travancore territory adjoining British Indian districts;

(*c*) whether they have received complaints from owners of motor vehicles in Travancore regarding the harshness of the recently amended rule; and

(*d*) whether the Government propose to move the Madras Government to relax the rigidity of the rule relating to the levy of tax in respect of motor vehicles passing from Travancore into British India?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(*a*) and (*b*) Yes.

(*c*) No.

(*d*) Yes.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): With reference to the answer to parts (*a*) and (*b*), are the Government aware that owners of motor vehicles passing from Travancore into British India are liable to be prosecuted if they do not take out licenses beforehand?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government are aware.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Do the Government propose to move the British Indian authorities for concessional treatment in the case of such owners.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): They do. That answer has been furnished in answer to part (*d*).

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Have they moved in the matter?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Steps are being taken.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Have they taken any action with specific reference to the clause relating to prosecution?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): As a matter of fact, the action that is now proposed to be taken will go a great way in relieving that inconvenience.

Conversion of Shertallai into a municipal town.

31. **MR. K. P. MADHAVAN PILLAI** (*Shertallai*): Will the Government be pleased to state whether they have considered the necessity of converting Shertallai into a municipal town?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes. The proposal was dropped.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): May I know from the member from whom the proposal originated?

MR. A. KUMARA PILLAI (*Secretary to Government*): There was a conference at Bhaktivilas in March 1931 to consider the question of the organization of Village Panchayats in the State. In that conference this question was mooted and after that the Government asked the Sanitary Commissioner and the Dewan Peishkar, Kottayam, whether there was any necessity to have a Municipality at Shertallai. On the opinion of the Dewan Peishkar and the Sanitary Commissioner the Government decided that the matter may be dropped.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Was there any proposal from the local Tahsildar?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes; but it was not a proposal exactly. In answer to the question raised by the Dewan Peishkar, the Shertallai Tahsildar submitted a report on that question.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Was the question ever brought before the Assembly or the Council before this?

MR. A. KUMARA PILLAI (*Secretary to Government*): I have no information about that.

Action on the recommendations of the Minor Irrigation Committee.

32. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*): Will the Government be pleased to state, giving details, what action, if any, has been taken by them on the recommendations of the Minor Irrigation Committee since the last meeting of the Legislative Council?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The information asked for from certain officers of Government, as a preliminary to the further action contemplated, is being awaited.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): The answer to my question is that the opinion asked for from certain officers of Government is being awaited. May I know who these "certain officers of Government" are and what their opinion is?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The Land Revenue Commissioner has been addressed in regard to the amendment of the Remission Rules so as to make it more elastic to cover the cases recommended by the Committee. That is one reference.

[Mr. C. N. Srirenganatha Sastri.]

The Additional Head Sirkar Vakil has been addressed about the amendments necessary to the Irrigation Regulation as recommended by the Committee. That is another reference. And the Chief Engineer has been addressed in regard to the estimates for the irrigation protection works. That is also another reference.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): May I know whether this information asked for was after receipt of my interpellation or before that?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): These references were made before the receipt of this interpellation.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): May I know when exactly this information was called for from these officers?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Some of the references were sent in July 1932 and, since the last Council, another reference has gone in September 1932. That was to the Additional Head Sirkar Vakil to include a provision for recovering the cost of putting up bunds in punjapadam lands from persons who have to erect them, but who fail to do so at the proper time and thereby cause loss to the adjoining land owners. Before the last Council and after the last Council also, references have gone to these officers.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Has any of these officers sent in a reply?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Some of the officers have replied, and on their reply some other reference has gone. The Land Revenue Commissioner has replied, and a reference on that has gone to the Additional Head Sirkar Vakil.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Is the member aware that during the last meeting of the Legislative Council information was asked for by some of the members on this side of the House about the action taken on this report and even then the reply that Government gave was that correspondence was going on with certain officers of Government. May I know when this correspondence stage will conclude?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): As a matter of fact Government are taking, the matter being important, all possible steps to expedite the replies.

Qualification of applicants for constable's post in the Police Department.

33. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) whether any qualifications are prescribed for applicants for constables' post in the Police Department;

(*b*) if the answer to part (*a*) is in the affirmative, the qualifications so prescribed; and

(*c*) if the answer to part (*a*) is in the affirmative, whether any community is exempted from any of those qualifications and, if so, the name of such community?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Vernacular School Leaving Certificate Examination, or education up to Form VI in an English School.

(*c*) Members of the depressed classes and ex-war service men and sons of retired or deceased Policemen whose record of service was in the view of the Commissioner of Police satisfactory, provided they are literate, are exempted from either of the above qualifications. In the case of Mahomedans, education up to Class VI in Vernacular or Form III in English, is prescribed as the minimum qualification.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) May I know which are the communities that come within the definition of "depressed classes" in this answer?

MR. K. GEORGE (*Chief Secretary to Government*): I would refer the member to the G. O. in the Revenue Department and in the Education Department in connection with fee concession for depressed classes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Would the member be able to give me the information as to who are included under "depressed classes" according to those G. Os.?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot enumerate all.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): With regard to the Police Department, is there no such table of depressed class people?

MR. K. GEORGE (*Chief Secretary to Government*): Depressed classes are well-known.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That is why I ask it. It is not well-known to me.

MR. K. GEORGE (*Chief Secretary to Government*): The member may take it that they are those classes which are enumerated in regard to fee concession.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have not got that with me.

MR. K. GEORGE (*Chief Secretary to Government*): I also have not got that with me.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*); I want to get the information.

MR. K. GEORGE (*Chief Secretary to Government*): I will have to refer to it and if the member meets me outside the Council later, I shall give him the information.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether it is not for the information of the House that an answer should be given here?

MR. K. GEORGE (*Chief Secretary to Government*): I have not got it with me.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is stated that sons of retired or deceased policemen are also exempted. May I know whether it is on account of their close relationship with the deceased?

MR. K. GEORGE (*Chief Secretary to Government*): In recognition of the services of the deceased.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know why the brothers or nephews of the deceased persons who are Marumakkattayees are also not given that preference?

MR. K. GEORGE (*Chief Secretary to Governmen.*): That point did not strike anybody and the Police Commissioner himself did not recommend it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it because he was not a Marumakkattayee that he did not recommend it? What I wish to know is whether Government will consider that also.

MR. K. GEORGE (*Chief Secretary to Government*): Yes; we can make a reference to the Police Commissioner and obtain his view on that point.

Emergency cut in the salaries of covenanted officers.

34. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state whether some covenanted officers at present receive their salaries minus ten per cent. emergency cut?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The answer is in the negative. The salary of covenanted officers of the State is not liable to any emergency cut. But the emergency cut is applied in the case of the British Officers lent to this State.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): With reference to the last sentence of the answer, may I know the names of the British Officers whose services are lent to this State and to whom the cut is applied?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Dewan, the Chief Engineer, the Commandant, Captain Fairley and the Medical Entomologist.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know the saving obtained by applying a cut of 10 per cent to the pay of these officers?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): In the Dewan's pay the saving was Rs. 305-10-0 per mensem; in the Chief Engineer's pay the saving was Rs. 203-16-0; in the Commandant's pay the saving was Rs. 155-20-8, in Captain Fairley's pay the saving was Rs. 109-11-12 and in the Medical Entomologist's pay the saving was Rs. 81-12-0. If the member will add these figures he will get the amount of total saving.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know why this cut in salaries does not apply to all the officers and why such a partiality is shown?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The salaries cut was applied in the case of the lent officers on the basis of the G. O. issued by the Government of India.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know the text of the G. O.?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I have not got the G. O. But the substance of it is that there should be a cut in the pay of these lent officers to the extent of 10 per cent.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Then, may I know whether it is stated in the covenant that an emergency cut should not be applied?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): There is no such thing.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Why?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): There is no covenant with the lent officers.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I am speaking not of lent officers, but of covenanted officers.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): As there is no emergency cut in the case of the local officers there is no cut in the pay of covenanted officers.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): So, the emergency cut is to British Officers in the State, but no emergency arises for applying the cut to covenanted officers?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): That is not the way of looking at the position. The emergency cut was applied in the case of the lent officers simply because Government of India wanted that cut to be effected. The initiative was with the Government of India and not with the Travancore Government.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether Government intend to apply the cut to covenanted officers?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): They do not intend to apply the cut at present.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know the difference between covenanted officers and British Officers lent to the State?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) Covenanted officers are practically our own officers and the lent offcers are officers whose services are lent and who after their period of service here revert to the British service.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Director of Public Instruction is a covenanted officer or a lent officer?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): He is a lent officer of the Mysore Government and not of the British Government.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Retrenchment Committee recommended cuts in the salaries of ordinary officers?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know why effect is not given to that recommendation?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): It is simply because the Government do not feel the immediate necessity to effect a cut in their salaries.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that the Governments of Madras and Bombay and other Governments have effected cuts in the salaries of officers?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Government are aware.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know why the Travancore Government alone have not effected any cut?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): They do not think it necessary.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): So, am I to understand that the economic depression has affected the other parts of the world, but not Travancore?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): No; in Travancore the financial position has righted itself to some extent.

Complaints against Mr. Vaidyanatha Aiyar, Inspector of Police.

35. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkarai*): Will the Government be pleased to state:

(*a*) whether they have received complaints from the people against the official vagaries and highhandedness of Mr. Vaidyanatha Aiyar, Inspector of Police, Ambalapuzha;

(*b*) whether they have received resolutions passed at public meetings presided over by responsible gentlemen condemning the said officer; and

(*c*) the action, if any, taken by the Government regarding the same?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) and (*b*), No; but a report was received from the Commissioner of Police stating that

[Mr. K. George.]

Mr. Vaidyanatha Aiyar was unfit to continue as an Inspector of Police and recommending that his probation may be terminated.

(c) Government have sanctioned the Commissioner's recommendation.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I wish to know whether this report of the Commissioner was also based on investigations made into complaints against that Inspector ?

MR. K. GEORGE (*Chief Secretary to Government*). Yes.

ADJOURNMENT MOTIONS.

(Mr. S. Krishna Pillai and Mr. Joseph Kunju presented notices to the President asking for leave to make motions for the adjournment of the business of the House.

PRESIDENT : No proposal has been made officially.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Sir, I beg to submit that the House may be made aware as to what the contents of these adjournment motions are.

PRESIDENT : I have no objection. Mr. S. Krishna Pillai wishes to move "that the business of the House be adjourned for discussing the following matter of urgent public importance, namely the proposal of Government to appoint an Inspecting Medical Officer for the State in addition to the Durbar Physician already appointed by Government."

This has been disallowed because there is no such proposal officially made.

Mr. Joseph Kunju's notice of adjournment motion says " to discuss a definite matter of urgent public importance, namely, the situation created among the public of Travancore on account of the method of allocation of seats to both Houses of the Reformed Legislature as foreshadowed by the Government Communique dated 13th Thulam 1108/29th October 1932."

This is disallowed because it is not a specific matter within the cognisance of the Council.

DEMANDS FOR SUPPLEMENTARY GRANTS.

The next item is the Demand for supplementary grants. I may remind the members that speeches should have a time-limit. The member while moving a cut will speak for ten minutes and so can the official member in charge. Other members are allowed five minutes each. Such motions need not be seconded. I should also like to remind the members that the discussion should be limited to the subject matter of the demand. No question of general policy or principle and no discussion of the department as a whole can be allowed.

DEMAND III—INDUSTRIES.

***MR. N. K. PADMANABHA PILLAI** (*Director of Industries*): Sir, I beg to move for a supplementary grant not exceeding Rs. 1,000 for participating in the Buy Indian League Museum, Madras.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, I want to know......

PRESIDENT : Are you raising any point of order ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I want information so that I may determine what attitude I should take towards this demand. It is because of that. It is not likely that he may refer to it during the course of his demand. I want to know whether he moves it under the first clause or under the second clause. There are two occasions, for moving a supplementary grant :—

> "When the amount voted in the Budget for a grant for which the vote of the Council is necessary, is found to be insufficient for the purpose of the current year, or
> when a need arises during the current year for the expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year."

PRESIDENT : You may judge for yourself from what he says.

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : Sir, for the information of the House, I may be permitted to say a few words about the Buy Indian League Museum. The object of the Museum is to make it a Central Depot, particularly for cottage industries. The President of the League is Mr. T. R. Venkitarama Sastri, a well-known figure in Madras, and Messrs. Subbaraya Aiyar and B. Shiva Rao are the Treasurer and Secretary. They have taken a very prominent building in the heart of the city, namely in Armenian Street. When I visited the place a few months ago, I selected a very important portion of the site, provided I got Government sanction for participation in their League. Now, for this particular space we have to pay a sum of Rs. 1,000 per year. That is to a certain extent only the rental for the space that we take.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : When did the member visit the building, please ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): About 3 or 4 months ago.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Was it before the presentation of the last Budget ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : No; it was after the last Budget Session.

Some of the firms in Travancore like the Alleppey Co., Ltd., Messrs. Harrisons and Crossfield, Mr. Velu Asari of the Trivandrum Sri Mulam Fine Arts and a few other concerns have agreed to send their exhibits and also pay at the rate of Rs. 10 per month for exhibiting their goods.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Ten rupees for what ? Is it for the space that they take ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): They will pay a rent of Rs. 10 per month. It is not for the space at all. That means they are very anxious to find a market for their articles in Madras. Out of this Rs. 1,000 a portion we will be able to realise by way of rent and for the present we are going to send one of our men

engaged for the Sales Depot to look after our articles there in Madras and if this proves successful, later on we may be able to send a permanent man in charge of our portion of that Museum in Madras.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Then, who will look after the Sales Depot here?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : I have got three men. For the present there is not even the building for the Depot and these men are engaged in the preparation of forms and other things. They are now also collecting information as to where they can get the things for sale in the Deopt.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : No sales Depot has yet been started?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No Government building is available in the proposed site and we are going to rent out a building and start it immediately and that will be looked after by two of the three men employed for the purpose.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : No Government building is available?

MR. N. K. PADMANABA PILLAI (*Director of Industries*) : For the present no Government building is available without having to incur some expenditure by way of alterations and additions.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : May I know whether the Sales Depot here could not supersede the advantage of participating in the Buy Indian League Museum, Madras?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : Certainly not. On the other hand, the articles from our central depot at Trivandrum will be sent from here to Madras which will only be a branch of our Sales Depot in Trivandrum. Madras is a more prominent city and most probably we may be able to find a market for our goods there. So, really speaking, it would not at all be stopping the progress of our Sales Depot in Trivandrum.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : May I know whether the cost of transportation from here to Madras will not be about four or five times greater than even the price of the articles here?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I have already mentioned that some of the gentlemen who are really doing business in Travancore have agreed to take space in the Museum in Madras. They must naturally have calculated that they will have to bear the transport charges when finding sales for their goods in Madras. So, that would not stop the progress of our Depot in Madras either.

As the man whom we are going to depute to Madras has some experience in business in Trivandrum, by being sent to a city like Madras, he will be able to learn actually the more up-to-date business ways of a city like Madras and by the time he returns to Trivandrum he will be really more useful as a clever salesman. Not only that, he may be in

[Mr. N. K. Padmanabha Pillai.]

a position to know what things will sell best in Madras. So, without any additional cost we will be able to spare one of our men to be in charge of our goods in Madras for some time to come. It was with this object that I moved for a grant not exceeding Rs. 1,000 under Demand III—Industries.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*). May I know how much space will be required for exhibiting departmental wares ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : We are not going to stock a lot of goods there. We will only be keeping samples and booking orders. Of course, the Buy Indian League have promised to give 365 square feet. We will have to manage with that space for Rs. 1,000 a year. In a city like Madras it will be impossible for us to get a separate building for ourselves at this cost. Simply because they have engaged a very big building we are in a position to get this space at a cheap rate, namely, Rs. 1,000 a year.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : The member was saying that a portion of the space could be given to private persons to exhibit their goods. I wish to know how much space is required for Government purposes and how much space is available for renting out to private persons ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : We have in all only 365 square feet and those private persons who really want to exhibit their goods know that they will have to be satisfied with whatever space they get for exhibiting their goods. We are not renting out any special space at all for them. We are only taking their goods and exhibiting them as we find it convenient and for this they are prepared to pay at Rs. 10 a month.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : So we are put in charge of their things also ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : Yes. The same will be the case with the Sales Depot here. Even Government articles will be sold through the Sales Depot and we are going also to collect articles from the cottage workers and sell them here. The depot at Madras will only be a branch of the Central Depot at Trivandrum. Most probably the Madras Depot will be more useful than the Trivandrum Depot because Madras is a very important city.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): May I know the nature of the articles that the Department of Industries or other Government Departments propose to send to Madras ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : All the articles produced by the cottage workers.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) : Only those produced from cottage workers ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : When I mentioned Messrs. Harrisons & Crossfield, you know that they are not cottage workers. They are only sending samples for booking orders

and that will be beneficial to them. For example, my friend, Mr. Karunakaran, is prepared to send some articles there from the Alleppey Company. Even then, they are having the advantage of our taking on rent a small portion in the Museum at Madras.

MR. RAMA VARMA RAJA (*Edavagai*) : വേറെ ഏതെങ്കിലും സ്റ്റോറിൽ നിന്നും അവിടെ സ്ഥലം എടുത്തിട്ടുണ്ടോ?

MR. N. K. PADMANABHA PILLAI (*Dir ctor of Industri s*) : ഉണ്ട് മൈസൂർ ഗവണ്മെന്റു എടുത്തിട്ടുണ്ട്. ഈ മ്യൂസിയം തുറന്നതു തന്നെ ഈ മാസം (ഡിസംബർ) ൧൯-ാംനു-യാണ്.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cam Shencotta*) : Does this amount of Rs. 1,000 represent the gross expenditure proposed to be incurred ?

MR. N. K. PADMANABHA PILLAI (*Dir ctor of Industri s*) : I have already mentioned to the House that some of the firms in Travancore are going to pay us at the rate of Rs. 10 a month. That means that we will be realising some amount in the shape of rent from these concerns. Really speaking, we will not be spending this Rs 1,000 but we cannot anticipate how many firms will come forward and I mentioned that the gross expenditure will only be Rs. 1,000.

MR. A. THANU PILLAI (*Trivandrum*) : What is the pay of the person proposed to be posted in Madras?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : I have already mentioned that one of the men engaged for the Sales Depot is to be sent to Madras.

MR. A. THANU PILLI (*Trivandrum*) : What is his pay ?

PRESIDENT : That does not arise.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, my question is this. Am I to understand that the Director of Industries recommended the appointment of one man too many for the Sales Depot when he made the proposal ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : No, certainly not, Sir. In fact, I have already mentioned to the House that we have not yet started the Sales Depot in Trivandrum and that the three persons employed for the sales depot are engaged in collecting information as to what all things they can get from Trivandrum and also in the preparation of forms and other things required for the Sales Depot here. So we can spare one man from here for some time to come.

MR. A. THANU PILLAI (*Trivandrum*) : I wish to know for how long he can spare that man and when he will come to this House and ask for a fresh man or is it one man too many and what is the cost if a new man is to be appointed?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : That I will be able to mention to this House, Sir, only after seeing the working of our section in the Buy Indian League Museum in Madras. Most probably if we get some return by our participation and if our participation

[Mr. N. K. Padmanabha Pillai.]

covers the expenditure there, there would not then be any reason why this House should be sorry to appoint a man.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I wish to know what the cost would be. It may be desirable to have this exhibition. The House may sanction it. But we wish to know what the cost will be, what a man will have to be paid when he is posted in Madras?

PRESIDENT: The demand is for a thousand rupees for rent.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): May I know whether the Buy Indian League Museum, Madras, is supported by the British Government?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): It is supported by all people.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Has the Madras Government anything to do with it?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I have no idea now.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I was not able to hear the member. I wish to know the character of the League?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I can only give this much information. These are the members really connected with the Buy Indian League:—

Mr. T. R. Venkatarama Sastri, C. I. E., President,
Mr. N. Subbaraya Aiyar, B. A. & B. L., Vice-President,
Mr. B. Shiva Rao, M. A., Secretary.

MEMBERS OF THE EXECUTIVE COMMITTEE.

Dewan Bahadur R. N. Arokiaswami Mudaliar, M. L. C., Ex-minister, and retired Superintending Engineer,
Dewan Bahadur C. V. Viswanatha Sastri, Retired District Judge
Dewan Bahadur T. Rangachariar, M. L. A., Advocate,
Dewan Bahadur M. Ramachandra Rao, Member, R. T. C.,
Rao Bahadur T. A. Ramalinga Chettiar, M. L. C.,
Mr. Yakub Hussain, M. L. C.,
Dr. P. Subbaroyan, Ex-chief Minister, M. L, C.,
Mr. V. M. Ramaswami Mudaliar, M. L. C.,
Mrs. Ammu Swaminathan,
Mr. P. Ramanujam Chettiar, B. A & B. L.,
Mr. A. Ranganatham Mudaliar, M. L. C., Ex-minister, and
Mr. A. Rangaswami Aiyangar, Editor, *The Hindu*.

That shows that some of the prominent Government officials who have retired have something to do with it. So the Madras Government must be interested in the affair.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether this sum of Rs. 1,000 is required for 12 months or only for the remaining period of the current year?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): For twelve months.

MR. A. THANU PILLAI (*Trivandrum*): Then how is it that Rs. 1,000 is required in advance ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): The sum has to be paid in advance.

MR. S. KRISHNA PILLAI (*Karunagapalli*); May I know whether this sum of Rs. 1,000 is required only as rental for the institution ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*); It is our contribution in the shape of rental.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So it does not mean that it is expenditure required in this connection ? How are the Government going to meet their expenditure ? Are they going to bring forward a demand for another supplementary grant or will they pay Rs. 1,000 and be done with that ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Certainly not.

MR. S. KRISHNA PILLAI (*Karunagapalli*): How do Government propose to meet their expenses ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): When I moved for a grant for a Sales Depot last time, I said that it was required for Travancore and abroad. For the present we are not going to incur any expenditure for participation in the Buy Indian League. The people who have started the League are prepared to look after, and sell, our goods even though we do not send a man over there.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What I wish to know is whether Government have a definite idea as to whether they should depute any man to Madras and whether they are in a position to make a safe investment of Rs. 1,000 and keep quiet here?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): For the present, we are not going to incur any additional expenditure other than what is sanctioned in our Budget.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the Director of Industries have at any time to go and visit that institution after the payment of Rs. 1,000, and, if so, any travelling allowance will not be claimed for that purpose? May I also know whether he does not intend to depute any person either for transporting or superintending the goods that are sent there ? If so, may I know whether any additional expenditure will not be incurred for that and whether the amount now asked for will include only the rental ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): If any additional expenditure will have to be incurred, it will be met from the Budget allotment. Even if the Director of Industries goes to Madras for the purpose of the Buy Indian League, the travelling allowance will be met from the sanctioned allotment under this particular item. There will be no additional expenditure.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know, Sir, whether the initiative for our participation in the Buy Indian Leage came from the promoters of the League or the league itself or whether the suggestion was made by the Director of Industries?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): The promoters of the Buy Indian League approached Government and I was asked to go and examine the thing. I examined their standing, etc., and reported to Government. Thereafter Government thought that there was no objection to take part in the exhibition. On the other hand, it will be very beneficial to this country.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether it is a registered association?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): It must be. I cannot give a definite answer.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know what is the capital of the association or the amount of shares sold?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I do not know whether it is a registered association and I do not know what its capital is. Perhaps what we pay will be one of the amounts they are going to receive towards the capital.

PRESIDENT: I put it that the grant be passed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, I wish to say a few words.

PRESIDENT: I waited for you but you did not stand up.

I put it that the Demand for a grant not exceeding Rs. 1,000 for participating in the Buy Indian League Museum, Madras, be passed.

The grant was made.

DEMAND IV.—MEDICAL DEPARTMENT.

MR. B. L. SLATER (*Darbar Physician*): Sir, I beg to move for a grant not exceeding Rs. 2,390 for (1) the acquisition of land for the contagious diseases shed in the Parur Hospital (Rs. 2,150) and (2) the appointment of an artist in the Public Health Department on Rs. 20 per mensem (Rs. 240). As I have no personal knowledge of these things, I cannot speak on them.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) May I know, Sir, when the necessity for the appointment of an artist arose? Why was not that felt at the time of the preparation of the Budget? If that was felt then, who was looking after the duty? What are the duties to be performed by this officer? In what way was the department managing without such an officer before? I want information on these points.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnatlur*): Before that, I move a point of order. Dr. Slater moved the Demand as a whole though the demand consists of two independent separate items. I wish to get instructions from the Chair whether that is allowable because it will become a very inconvenient thing for those who oppose the second item. The ywill have to oppose the first item also. So, we may be allowed to discuss about the demands in two separate items and not together.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is the member aware that there is a cut motion for omitting the second item?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The demand is placed before the House as a whole. If the Chair thinks that there is a division of opinion in regard to each of the various items, the Chair may put them separately to the vote of the House.

PRESIDENT: There is a cut motion by Mr. Nadar.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The information that I have sought for is not given.

PRESIDENT: Dr. Slater, you answer Mr. Nilakanta Pillai.

MR. B. L. SLATER (*Darbar Physician*): I have no personal knowledge of these subjects.

MR. K. GEORGE (*Chief Secretary to Government*): Mr. Nilakanta Pillai wanted information as to why the proposal was not made when the Budget of 1108 was prepared, and also wanted to know the object of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I want to know why the necessity was not felt at the time of the preparation of the Budget and how the Department was going on without the artist, and what are the functions that have to be performed, and all that?

MR. K. GEORGE (*Chief Secretary to Government*): Dr. Jacocks had made a proposal for the appointment of an artist in the Public Health Department. A temporary appointment was made for a period of six months and the expenditure for that purpose was sanctioned in January 1932. Subsequently, Dr. Jacocks wanted the artist to be continued. He made a proposal for the continuance of the artist in the draft budget of the Public Health Department for 1108. But when the budget was being scrutinised that happened to be omitted. But Dr. Jacocks again pressed for that appointment. The object of that appointment is to help educational propaganda by the preparation of posters, charts and diagrams.

MR. RAMA VARMA RAJA (*Edavagai*): പോസ്റ്റേർസ് ഇല്ലാം ഡെൽഹിമുതലായ ചില സ്ഥലങ്ങളിൽ നിന്നും വിലക്കു കിട്ടുകയില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*) No, not the particular posters and charts we want. Dr. Jacocks wants to prepare charts and posters about the local diseases.

MR. RAMA VARMA RAJA (*Edavagai*) · ഇവിടെ പ്രത്യേകമായിട്ടുള്ള രോഗങ്ങളും ഏതെല്ലാമാണ്?

MR. K. GEORGE (*Chief Secretary to Government*): If it is malaria for instance, he wants to prepare charts showing the incidence of malaria, etc., in Travancore.

MR. RAMA VARMA RAJA (*Edavagai*): തിരുവിതാംകൂറിലുള്ള മലേറിയാ പ്രത്യേകതരത്തിലായിരിക്കുമൊ?

MR. K. GEORGE (*Chief Secretary to Government*) : I mentioned it as an instance. There are various other diseases which are peculiar to Travancore, such as, elephantiasis.

MR. RAMA VARMA RAJA (*Edavagai*): എലിഫന്‍റയസിസ് മദ്രാസിലില്ലെ?

MR. K. GEORGE (*Chief Secretary to Government*) : I do not think elephantiasis prevails in Madras to the same extent as in Travancore.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) മി: ജക്കാങ്ക് ആവശ്യപ്പെട്ടതുകൊണ്ടുമാത്രം ഇതുകൊണ്ടുവന്നതാണൊ?

MR. K. GEORGE (*Chief Secretary to Government*) . Government are convinced of the need. In fact they sanctioned an artist for six months.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ൨൦ രൂപ ശമ്പളത്തിനു ഒരു നല്ല ആൎട്ടിസ്റ്റിനെ കിട്ടുമെന്നു വിചാരിക്കുന്നുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*) : It is not painting or any superior kind of art that is required of the artist.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : എന്തെങ്കിലും ഒരു സാധനം വരച്ചാൽ അതു അതാണെന്നു തോന്നത്തക്കവണ്ണമെങ്കിലും ഇരിക്കണമെല്ലൊ. അതിലേക്കുതകുന്ന ഒരാളിനെ ൨൦ രൂപാക്കു കിട്ടുമൊ?

MR. K. GEORGE (*Chief Secretary to Government*): Yes. One of them was employed on Rs. 20.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether it is necessary to have a permanent man ?

MR. K. GEORGE (*Chief Secretary to Government*) : It may not be necessary. The public Health Department itself is on a temporary basis.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Here it is not stated that the appointment is temporary ?

MR. K. GEORGE (*Chief Secretary to Government*) : That does not matter.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know at what rates it will be actually drawn ?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : I withdraw the motion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I would request the Chief Secretary to speak on the first part of the demand. I want to know when this was brought to the notice of Dr. Slater or anybody who was at the helm of affairs of the Medical Department ?

MR. K. GEORGE (*Chief Secretary to Government*): The sanction for acquisition of 1·57 acres of land for the District Hospital at Parur was given in April 1931.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So that was noticed by the then Inspecting Medical Officer. It was brought to the notice of Government and sanction obtained on that. Why was that not included in the Budget presented last time?

MR. K. GEORGE (*Chief Secretary to Government*): Because Government thought they could postpone that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the emergent necessity that now induces Government to provide funds for that after the presentation of the Budget last time?

MR. K. GEORGE (*Chief Secretary to Government*): We expected that we could meet the expenditure by diversion. But the Darbar Physician has stated that it is not possible to do so. In the mean time, it came up before Government as a matter of personal justice to an individual. Government had told that this land is going to be taken up for the purposes of a contagious diseases shed. That land seems to be under attachment by a court. The owner of the land wanted to sell it. But nobody would purchase it because it was known that the land was going to be acquired by Government. So the owner prayed that it is a matter of justice that if it is to be taken up by Government it should be taken up by Government immediately.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): May I know the name of the individual?

MR. K. GEORGE (*Chief Secretary to Government*): One Varkey Pailo of Alapad house. As a matter of justice, Government thought that if they wanted to acquire it, it must be done now.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was any undertaking given by Government?

MR. K. GEORGE (*Chief Secretary to Government*): No.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): When can we hope for anything being done on the land?

MR. K. GEORGE (*Chief Secretary to Government*): As soon as the land is acquired.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then why is it that no provision has been made for the construction of any building on the land?

MR. K. GEORGE (*Chief Secretary to Government*): We must acquire the land first. Then only, we can think of the construction.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to understand that before this there was no contagious diseases shed attached to the Parur Hospital?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, there was one. But the old contagious diseases shed having been taken over for septic wards it became essential to have a new one for contagious diseases.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was the old contagious diseases shed located within the hospital premises?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, it was located within the premises of the hospital.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was it then used as contagious diseases wards?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know. Probably it was not.

MR. A. THANU PILLAI (*Trivandrum*): Sir, which is more essential, a contagious diseases shed or a septic ward?

PRESIDENT: It is going beside the point.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I put the question.

PRESIDENT: You are out of order.

MR. A. THANU PILLAI (*Trivandrum*): May I know when it is proposed to construct the sheds after the land is acquired?

MR. K. GEORGE (*Chief Secretary to Government*): As soon as possible. I cannot announce the date. When the land is acquired it is possible to proceed quickly with plans and estimates and start the work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government will not stop with this offering of justice to the individual and may not take up the work on account of the economic depression?

MR. K. GEORGE (*Chief Secretary to Government*): This matter has been pressed on the attention of Government by the S. M. P. A. member and the Durbar Physician. So, as soon as possible, we will proceed with the work. I believe that it will not cost much.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government will be able to start with the construction of the building of these contagious diseases wards as soon as they acquire land?

MR. K. GEORGE (*Chief Secretary to Government*): That cannot be done. We have to provide funds and get plans and estimates.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether this demand is for individual justice?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, because ultimately we have to acquire the land.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I oppose this demand for Rs. 2,390 and my opposition is based on certain reasons. Item No. (1) in this demand is for acquiring certain land. I understand that at the time when this year's Budget was discussed by the

Finance Committee there was a proposal to include a lump sum allotment for the purpose of meeting land acquisition charges. It is notorious that in Travancore lands are acquired in advance with the promises that proper use would be made of the land when funds permit. One notable existence of this is the waste area of land lying un-occupied at Mavelikara which I understand was originally acquired for the purpose of putting up a public building. This, I suppose, is only another instance in which Government want to spend money on the pretence that Government are doing justice to a private individual and then allowing the land to lie without being properly used. Government say that land has to be acquired simply because they have to do justice to a party. They also say that building has to be put up there. But they are not in a position to say what exactly will be the cost that would have to be met for the purpose of putting up the building. Without getting a proper plan and without the estimates being prepared of the building they want simply to acquire the land. Now, what I ask is whether before acquiring any piece of land Government will not be in a position to prepare plans and estimates for the building they want to construct. It is one thing to say that contagious diseases ward is necessary and another thing to say that land necessary for that must be acquired because land alone without building thereon would not be of any use to the public, Government even in regard to the construction of buildings come forward with the plea that they are short of funds. In this particular case the justice they want to do is justice to the private individual whose land is sought to be acquired. From the point of view of Government and those who vote on demands for Government purposes, I think it is not proper and just that they should vote on this demand for the simple reason that the land is to be acquired without at the same time providing funds for making proper use of the land sought to be paid for.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Will it not be sufficient if somebody contributes for it?

MR. S. KRISHNA PILLAI (*Karunagapalli*): With the voluntary contribution made by anyone, probably we would be able to put up sheds. But when Government have to do it they have to find funds for it. I suppose no Government officer will be willing to come forward with a donation of one or two thousand rupees for putting up the shed.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Will it not be sufficient if the people of Parur or the municipality is willing to make the contribution?

MR. S. KRISHNA PILLAI (*Karunagapllai*): For that matter, there may be ever so many charitably inclined people who would be willing to contribute for putting up a shed at Parur. But that is not the principal reason on which we have to fight it out. If Government are financially in debt is this the method of asking a demand and spending it without entertaining any hope that they are going to make the best use out of that fund? I am certainly of opinion that we should oppose it.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Suppose Government are able to divert funds?

MR. S. KRISHNA PILLAI (*Karunagapalli*): If the Government were in a position to divert funds, they could have found it for this purpose also and would not have come forward with a demand for one or two thousand rupees. That shows Government are not in a position to divert funds. The administration of the Medical Department is becoming more and more top-heavy.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈ സ്ഥലം ഉടമസ്ഥനോടു ഗവണ്മെന്റിനു പ്രത്യേകത തോന്നുവാൻ വല്ല കാരണവുമുള്ളതായി അറിയാമോ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): എനിക്കതിനെപ്പററി യാതൊന്നും അറിഞ്ഞുകൂടാ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈ സ്ഥലം ഉടമസ്ഥനു എന്തെങ്കിലും ഒരു പ്രത്യേക സൌജന്യം ചെയ്തുകൊടുക്കണമെന്നുള്ള ഉദ്ദേശംകൊണ്ടാണു ഈ സ്ഥലം ഗവണ്മെന്റിൽനിന്നും എടുക്കാൻ നിശ്ചയിച്ചതു എന്നുപറഞ്ഞു, അതെന്താണെന്നറിയാമോ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): എനിക്കു യാതൊന്നും അറിഞ്ഞുകൂടാ. കെട്ടിടം വയ്ക്കുന്നതിനുകൂടി എന്തെങ്കിലും ഒരു പ്രൊവിഷൻ ഉണ്ടാക്കിയല്ലാതെ ഈ ഗ്രാൻറു അനുവദിക്കാൻപാടില്ല എന്നുള്ളതാണു് എന്റെ വാദം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഒരു പ്രത്യേകമനുഷ്യനോടു ഗവണ്മെന്റിനു ഒരു പ്രത്യേകത തോന്നുവാനുള്ളകാരണമെന്തെന്നറിയാമോ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഗവണ്മെന്റിനു പ്രത്യേകത തോന്നി എന്നു ഞാൻ പറഞ്ഞില്ല. ഈ സ്ഥലം വാങ്ങിക്കുന്നതു് അതിന്റെ ഉടമസ്ഥനോടു ഗവണ്മെന്റു കാണിക്കുന്ന ഔദാര്യമാണെന്നോ അല്ലെങ്കിൽ ഒരു ദാക്ഷിണ്യമാണെന്നോ ഗവണ്മെന്റു മെമ്പർ പ്രസ്താവിച്ചതു മെമ്പറും കേട്ടിരിക്കുമെന്നു വിശ്വസിക്കുന്നു. ഗവണ്മെന്റു പണത്തെ സംബന്ധിച്ചിടത്തോളം ദാക്ഷിണ്യമായിട്ടു പെരുമാറാൻപാടില്ല.

MR. K. GEORGE (*Chief Secretary to Government*): I think, I should correct it. It is not that we are going to show any concession to him. A declaration has been made. He cannot sell the land. We have to take it in any case; if not now after some time hence. So, it is only fair and just to him that we take the land as soon as we can or allow him to sell it.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Land was declared under the Land Acquisition Regulation before Government thought of providing funds for that and now they come forward with the proposal that justice had to be done to a private individual who has been put into a situation in which he cannot part with his property for the simple reason that Government have been hasty in publishing a notification under the Land Acquisition Regulation. This plea for condoning a mistake committed by the Government—mistake due to the short-sighted policy of Government—would certainly not appeal to this House. If we are to grant any funds it should in its turn bring proper return to the people. We must be satisfied that it is necessary and that it will be properly invested and bring some return to the State.

MR. P. S. MAHOMED (*Nominated*): പകർച്ച വ്യാധിയുടെ ആവശ്യത്തിനു അവിടെ ഒരാശുപത്രി ആവശ്യമുണ്ടോ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) പകർച്ചവ്യാധിയുടെ ആവശ്യത്തെപ്പറ്റി എനിക്കു തർക്കമില്ല.

MR. P. S. MAHOMED (*Nominated*) : അങ്ങിനെയാണെങ്കിൽ അതിലേക്കു ഒരു സ്ഥലം വേണ്ടേ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : കെട്ടിടം വയ്ക്കാത്ത സ്ഥലം പൊതുജനങ്ങൾക്കാവശ്യമില്ലെന്നാണ് എന്റെ അഭിപ്രായം. എന്നുമാത്രമല്ല സ്ഥലം വാങ്ങിയതുകൊണ്ടു പകർച്ചവ്യാധി പറവൂർവിട്ടു ഓടിപ്പോയിക്കൊള്ളുമെന്നും എനിക്കു വിശ്വാസമില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പകർച്ചവ്യാധി ആവശ്യമുണ്ടെന്നാണോ മെമ്പരുടെ അഭിപ്രായം?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : അങ്ങിനെ ഒരു മെമ്പർ ചോദിച്ചതുകൊണ്ടു അതേനിലയിൽ മറുപടി പറഞ്ഞു എന്നേയുള്ളു.

PRESIDENT : Your time is up.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I am opposing it and therefore I am entitled to ten minutes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It was already stated that he can have only five minutes. Only the member who moves has ten minutes.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : In order to wind up I want some time more. So that, in regard to the second also, I am certainly not satisfied.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There will be no speeches separately ; voting alone will be taken separately.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : For the Medical Department Government are spending large sums of money without any proper use. Therefore, Sir, I oppose this grant.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, I also rise to oppose this demand, because a supplementary grant can be asked for only under two circumstances. One is when the allotment for a particular item is spent up and there is no further money and in that case the member in charge of the Department can come up and ask for a further amount. In the second case a sudden necessity ought to be shown for the grant to be made. I think only on these two conditions a supplementary grant can be made. I do not see any necessity specially arising with regard to either item one or item two. I do not think anything has been provided for item one or two and the same has been spent up and to complete the work additional funds are necessary. No such case has been made out. On that technical ground I base my opposition.

Secondly, the policy contained in item number one in the demand is symptomatic of the policy of the Department. It is a policy of drift. Nobody is sure what they are going to do. With regard to the first item I am perfectly sure that Government are going to stop with the acquisition of land. It has been made clear that they are going only to acquire land. It is not that we are against doing justice to a particular individual. By all means that land may be acquired. If Government find it possible let them do it. I am very much concerned that as soon as the land is acquired the money spent for acquisition of the land should not lie idle without the land being utilised for the purpose for which the demand has been urgently made. Unless all these points are made out, I do not think that the House can allow the supplementary grant. With these words I oppose the demand.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I am afraid I have to take a different view from the remarks expressed by my friends here on this side of the House because it is certainly a point that cannot be disputed that Parur stands in need of so much medical help as is stated to be given by the construction of a shed like this. Certainly very much careful thought must have been bestowed upon the selection of a suitable land for the purpose. It must be evidently in consideration of all aspects of the question—the price of the land, the lie of the land and other points of suitability for the purpose—that this land must have been chosen by the authorities concerned. If this opportunity is lost, probably we may not be in a position to get a suitable land like this.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Why should the member think so ? Where will this land go ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : It is stated by the Chief Secretary that this is under attachment and as such there is every likelihood of the owner of the land parting with it.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member think that under the Land Acquisition Regulation Government have to get the consent of the owner before acquiring it ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : In that case probably Government might have to revise the rates now offered and accepted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Why should this Damocles' sword be allowed to hang over the head of the owner?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : In a way it is made out by the Chief Secretary that demand for this land has considerably lessened in view of the report that Government are going to acquire the land.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether the price of a land decreases or increases when Government propose to take it ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : It depends upon circumstances.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Usually ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I do not know I am not in a position to give any reply to that definitely. Moreover this is a bit of personal justice as is stated by the Chief Secretary.

MR. K. GEORGE (*Chief Secretary to Government*) : I think I have to make a correction. What I said was that sanction for a declaration was made. I am not sure whether that declaration was published. Sanction has been made and communicated. I am not sure whether the declaration has been published or not.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I do not know how it makes any difference ?

MR. K. GEORGE (*Chief Secretary to Government*) : Mr. E. V. Krishna Pillai was saying that the declaration was published under the Land Acquisition Regulation. I am not sure of that. Sanction has been made for declaration and communicated and everybody knows it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : In view of the necessity of the construction of such a shed there and also of the personal consideration involved in it for which the unfortunate individual who evidently is under heavy debt is not at fault, I support the motion.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member personally know the owner of the land ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Certainly not.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Then, how does the member know that this man is in heavy debts ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : The financial position of the man can more or less be gathered from the way in which he wants to get the paltry amount of Rs. 2150 lest the whole of his property should be attached.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What does the member think—Whether a proposal or a declaration made by Government would increase the value of the land or bring it down ?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Because it is for the construction of a contagious diseases shed my inference is that it will upset the current value. I am speaking from my personal experience.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member know that Government have always to pay higher value for lands they acquire than the ordinary public ?

PRESIDENT : You are out of order again.

MR. JOSEPH KUNJU (*Changanacherry cum Peermade*) : ഈ സ്ഥലം ഉടമസ്ഥന്റെ പേരുകളറിയാമോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : I think I will have to repudiate the suggestion of Mr. Krishna Pillai in view of certain very notorious instances in connection with the acquisition of lands for the Trivandrum Railway Extension.

MR. J. S. WESTERDALE (*Chief Engineer*) : I would like to point out that sooner or later this land has to be acquired. Once that is settled the sooner we acquire it the better. It has been found that the Parur Hospital is now in a very congested site and it is agreed that it must have a contagious diseases ward. The proposal is to acquire this site and erect temporary sheds as early as possible so that when epidemics break out there would be no difficulty or inconvenience in rendering medical aid. There is therefore no questioning the fact that the land is definitely required. If we do not do it now there is no doubt that, as everywhere else, the value of the land will steadily increase, especially when the public have come to know that Government are sure to acquire it sooner or later.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Will the member be pleased to give us an idea as to the amount which will be required for the construction of the sheds?

MR. J. S. WESTERDALE (*Chief Engineer*) : It cannot be a very large sum ; it will depend entirely on the accommodation we would like to provide.

MR. A. THANU PILLAI (*Trivandrum*) : I oppose the demand.

When I saw the printed statement of the demand I thought that Government really meant business and that they would construct the contagious diseases ward immediately after acquisition of the land ; and I was inclined to vote for the demand. But I now gather from the discussion here that Government do not propose to begin the construction of the building now. The Chief Sacretary tells us that he cannot promise that the construction of the sheds would be taken up as soon as the land is acquired. I also find that no attempt is being made for providing the necessary funds for the construction of the building.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Is the member aware that there have been repeated demands for the last so many years for contagious diseases ward for the Parur Hospital ?

MR. A. THANU PILLAI (*Trivandrum*): I do not know; I shall take it that there has been such a demand. But the demand is not going to be satisfied by the mere acquisition of the land. Government do not now seem to be prepared to construct the building. There is therefore no meaning in merely acquiring the land now.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Which should be provided for first, the site or the building?

MR. A. THANU PILLAI (*Trivandrum*): It goes without saying that there must be the site for a building to be constructed. I do not understand the object of my friend's qestion.

My friend Mr. S. Krishna Pillai referred to a site in Mavelikara which was acquired years ago for some specific purpose and which is lying unused even to-day. I know of instances like that in the Trivandrum town itself. The site which now forms part of the Law College premises was acquired many years ago; and it was layiny idle for 10 or 15 years. It was acquired at considerable cost.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If sites can remain idle in Trivandrum, why not they be idle at Parur where lands are not as costly as in Trivandrum?

MR. A. THANU PILLAI (*Trivandrum*): I should certainly protest against Government acquiring lands at considerable expense and leaving them idle for years. In the present instance, at any rate, for the time being, Government do not propose to make use of this site. Why should they acquire the site now? They need acquire it if and when they are ready to construct the building.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is to be done if it is not possible to find funds, for both the site and the building, at the same time?

MR. A. THANU PILLAI (*Trivandrum*): I do not see why boh could not be provided for in the same Budget. I do not see why, whten the Government find it possible to provide Rs. 2,500 for the site they could not provide another four or five thousand for the building also

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is the harm in providing Rs. 2,500 for the site, in 1108 and Rs. 4,000 or 5,000, for the building in the Budget for 1109?

MR. A. THANU PILLAI (*Trivandrum*): Acquisition cannot take such a long time. At the most it will take three or four weeks.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably, Government cannot possibly spend all the money now?

MR. A. THANU PILLAI (*Trivandrum*): Where is the difficulty in that if the contagious diseases ward is really wanted? Why acquire the site now and wait till 1109 or later and then consider whether the ward must be constructed or not. So, I strongly oppose that part of the demand.

Now, it was argued that the owner of the land would suffer. Mr. Westerdale argues, on the other hand, that, because it has been announced that Government want the land, the price of the land is sure to increase. That is certainly an advantage for the owner.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is it likely that private people would come forward to buy it after knowing that they would not be allowed to keep it long and that Government would acquire it ?

MR. A. THANU PILLAI (*Trivandrum*) : I think many would come forward to purchase it, since they can hope to make some profit by selling it to Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Suppose the owner deliberately makes an improvement on the land. Will not the Gouernment have to pay for such improvement also ?

MR. A. THANU PILLAI (*Trivandrum*) : Yes.

PRESIDENT : Your time is up.

MR. A. THANU PILLAI (*Trivandrum*) : I oppose this item of the demand.

As for the demand for a full-time artist for the Health Department, I am not quite satisfied as to the necessity for it.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I support the demand. The necessity for a contagious diseases ward in the Parur Hospital was felt as early as 1931. The Parur Hospital is situated just in the centre of the town. On one side of the Parur Hospital, there are the court houses. On another side there is a school. On another side there is the terminus of a bus route, and in front of the Hospital there is a public road. On yet another side of the Hospial............

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : The member has already made mention of 4 sides and is beginning to speak of a fifth side. Has the Hospital compound more than four sides ? (*Laughter*).

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I was only describing the actual situation of the Hospital surrounded as it is with the important institutions and places in the Parur town. On the western side of it, there is the landing. The Hospital is situated in the centre of the town. There was a proposal to have the contagious diseases ward in one of the buildings in the Hospital premises itself ; but owing to public protest that building was, as was explained by the Chief Secretary, utilised for the septic ward. Government ought to have made provision for the contagious ward for this Hospital long ago. After all, the demand is only for Rs. 2,150. The owner has been given to understand that Government are going to acquire the site and depending upon that, he has not made other arrangements to dispose of the property to clear off his debts. Private people are not now prepared to purchase the property because they are sure that they cannot do anything with it and that they would soon be deprived of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Does the owner of this site own any other property ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then, why should he depend upon this property alone for clearing his debts?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The owner has his own idea of adjusting his finances.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈ വസ്തു ഉടമസ്ഥന്നു വേറെ വസ്തുക്കളുണ്ടെങ്കിൽ അതു വിററു അയാളുടെ കടംതീർത്തുകഴിയുമ്പോൾ ഗവണ്മെൻറു ഈ വസ്തു എടുക്കയാണെങ്കിൽ അയാൾക്ക വസ്തുക്കളൊന്നുമില്ലാതെയാവുകയില്ലേ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അങ്ങിനെ വരാനാണു എളുപ്പം.

MR. M. GOVINDAN (*Nominated*): How are we concerned with his debts?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I am not now concerned with his debts. The question of personal justice to the owner who was given definite hopes by the Government was referred to only as an additional argument. The real point is that there is need of the site for the Parur Hospital. This is a long felt want. That is the main point which this House has to consider. If it is the opinion of the House that provision must be made for the building also it is for the House to urge upon the Government the need for that provision also. Because provision has not been made for the building, that is no reason for refusing this demand for the site. If this demand is refused now, I do not think that, in the near future, Parur is going to have the very necessary additional accommodation for a contagious ward.

PRESIDENT: Your time is up.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I oppose the demand.

In regard to item No. 2, viz., an artist for the Health Department, I do not think a full-time artist is necesasary for that department. First of all, one is not able to see why this was forgotten at the time the annual Budget was prepared. The Chief Secretary was telling us that the Health Department had an artist in about Medam last year and that after some time his services were dispensed with. If the department had real need for the services of an artist, is it likely that they would have dispensed with his services after some time? That is my first argument against the demand.

The Chief Secretary was telling the House that somehow this provision escaped the attention of the authorities concerned and that it was therefore not provided for in the Budget for 1108. As a matter of fact, if there was real need for an artist for the department the Head of the department would have brought it to the notice of the authorities, would have put pressure upon Government and would not have allowed it to escape their attention. That is my second argument to show that the appointment is not necessary.

Thirdly, I doubt very much the utility of the appointment.

MR. K. GEORGE (*Chief Secretary to Government*): Charts have to be prepared.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, even the Account Office has had to make charts; but they never asked for a full-time artist. The Agricultural Department has been making charts; they too did not ask for an artist. The Engineering Department, the Education Department and several other departments have been making charts without asking for full-time artists. Sir, the Assistants to the Head of the Health Department are all degree holders, and in their college course, they ought to have made charts and diagrams. Without that they would not have passed their examination. They ought to be in a position to prepare these charts.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Apart from diagrams and charts, cannot my friend imagine the need, so far as the Health Department is concerned, for preparing pictures of human beings affected with various kinds of diseases?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): All such pictures are found in all medical books. There is no need for us to make them here.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is my friend...................

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am not going to answer any more questions.

PRESIDENT. Your time is up.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I oppose the demand on grounds not traversed so far by any other member (Laughter.) There is no officer in the department to control, guide and give directions to the artist if one is appointed. Dr. Jacocks is not here permanently; he makes only flying visits. He is in Ceylon or in the United Provinces or in America. And then, Dr. Tampi, though he is a first class Surgeon, has had no special training in the public health work. After all, he has visited four health centres in Ceylon. There is, therefore, no competent person to guide the work of the artist, if one is appointed.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is the member in order, Sir?

PRESIDENT: At the moment, he is not.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): So, Sir, this department is now like a huge ship without a captain. So, there is no earthly use even if we appoint an artist.

Further, good printed posters on all health subjects are available for sale at cheap prices. We can imagine more or less the sort of work that we can expect out of an artist who offers his services for a petty sum of Rs. 20 a month.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Are Malayalam and Tamil posters available in the market?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : If we order them we can get Malayalam and Tamil posters also.

For these reasons I oppose the demand.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : I am in a very difficult position now. "Save me from my friends", that is what I have to submit. I must say that Government have spoiled the case by their bad advocacy.

It was after repeated representation in the Sri Mulam Popular Assembly and personal representation to the Dewan that this question was again taken up by the Government. The necessity for a contagious ward is not contested in this House. I am bringing a personal question that my constituency is going to lose the benefit of a contagious ward. I find some of my firiends are opposing this grant simply because they think it is a matter of personal concern.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : May I correct the member that none of the members on this side of the House has taken it in that light?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I point out one fact that we are never opposed to this grant being passed and that what I want to impress on the Government is that they should do substantial work as soon as they acquire the land for the purpose of building a contagious ward?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): The discussion in this House has led me to think that it was more due to personal justice as was mentioned by the Chief Secretary that this question is being opposed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I inform the member that the opposition is not because an individual is benefited but because the scheme as it is presented stops with it and you are not going to be benefited with a contagious disease ward?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): The scheme does not stop with that. In the beginning a site has to be acquired. If the Government is not prepared to work up the scheme for the time being the people of the Parur taluk are prepared to supply a temporary shed.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member assure the House that people in his consitutency are prepared to spend any amount for this shed?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : People in my locality are prepared to invest certain amount from the municipality for putting up a shed.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Am I to understand from the member that all that is wanted is only the land in question?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) . If a beginning is made it would be taken up by Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*): How does the member know that the Government will undertake to do this work? Has the member asked for such assurance from the Government that they will undertake the work next year?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : As soon as funds are available they have promised to take up the work.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What is the expectation of the member in regard to this work?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Early next year.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Has the member got that assurance from the Government?

MR. K. GOPALAKRISHNA PILLAI (*Parur*); Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is it only a private assurance or the assurance of Government made in this House?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Private as well as public. They have told us that they will take it up and if the land is acquired the Government are not going to sit idle. It is the case with P. W. Departments also to wait for a long time. Mr. Thanu Pillai had been telling us that it is not advisable to purchase the land before funds for the buildings are available. I ask that member what he will do in his own private case. Will he go in for the building first or the land first if he is going to put up a building. It was as a result of repeated representations that we are going to get this amount sanctioned for the contagious ward for the benefit of the people of Parur. Moreover, this year we did not have any epidemic on a grand scale as in last year. During the last year, for want of a ward, many persons had been thrown out of the hospital and, as a matter of fact, all of them were lying on the road in the hot sun to all inconvenience imaginable. Early this year small-pox had begun, reports of which have already appeared in the papers.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : May I assure the member that his taluk has the fullest sympathy of this House?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): It is not sympathy in words but in action, that is wanted. You oppose the motion and then say you have sympathy. What is the meaning of this?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I may be permitted to make a few observations with regard to the opposition that I have made. If the Government are in a position to make a statement that necessary funds will be provided for putting up a shed in the coming budget I am prepared to withdraw my opposition. It is not for the sake of opposition that I oppose the demand, but to impress upon the Government the necessity of making proper use of the land for the money that is invested.

MR. A. THANU PILLAI (*Trivandrum*) : For that matter, if the matter is so urgent why should they wait?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Probably it may be due to shortage of funds.

MR. P. S. MAHOMED (*Nominated*) : ഈ സമയംവരെ ചെയ്ത പ്രസ്താവനകൾക്കു വിഷയീഭവിച്ചിട്ടുള്ള ഡിമാൻറിനെ ഞാൻ അനുകൂലിക്കു

ന്നു. ഇവിടെ നടന്ന വാദപ്രതിവാദത്തിൽ അതിനെ എതിർത്ത ആളുകൾ ആരുംതന്നെ അതിന്റെ ആവശ്യത്തെ ആക്ഷേപിച്ചിട്ടില്ല. എതിർക്കുന്നതിനുള്ള ഏററവും പ്രധാനമായ കാരണങ്ങൾ ആയി അവർ പറയുന്നതു് സ്ഥലംമാത്രമേ എടുക്കുന്നുള്ളൂ എന്നും അതിനുള്ള സംഖ്യമാത്രമേ പ്രൊവയിഡ് ചെയ്തിട്ടുള്ളൂ എന്നും കെട്ടിടത്തിനുകൂടിയുള്ള സംഖ്യയ്ക്കു വേണ്ട വ്യവസ്ഥകൾ ചെയ്തിട്ടില്ല എന്നും മാത്രമാണ്. ഇന്നു പറവൂർ പോലെയുള്ള പ്രാദേശികസ്ഥലങ്ങളിൽ അവരുടെ ആവശ്യത്തിനുള്ള സ്ഥലങ്ങൾ ലഭിക്കുന്നതിനു മററു സൌകര്യങ്ങളും സ്വാധീനശക്തികളും ഉള്ള പ്രദേശവാസികളെപ്പോലെ അത്ര എളുപ്പമുള്ളതല്ല. ഒരു കൊല്ലത്തിൽ സ്ഥലം കിട്ടി എന്നു വരാം; അടുത്തകൊല്ലത്തിൽ കെട്ടിടങ്ങൾ കിട്ടിഎന്നുവരാം. ഇന്നത്തെ ഗവണ്മെൻറിന്റെ കോശസ്ഥിതി നോക്കുകയാണെങ്കിൽ കെട്ടിടവും സ്ഥലവും ഉടനടി ഒരാണ്ടിൽതന്നെ പണി കഴിപ്പിക്കുന്നതിനുള്ള സംഖ്യകൾ നീലവാക്കുവാൻ സാധിക്കാതെ വന്നു എന്നും വരാം. അങ്ങനെ നൽകുന്ന സ്ഥലത്തിൽ ഒരു കെട്ടിടം വയ്ക്കാൻ അത്ര അത്യാവശ്യമുണ്ടെന്നു ജനങ്ങൾക്കു തോന്നുന്നപക്ഷം അതും സാധിക്കാവുന്നതാണ്.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : സ്ഥലം എടുത്തിട്ടും കെട്ടിടം വളരെകാലമായി വയ്ക്കാതെ കിടക്കുന്ന സ്ഥലങ്ങൾ ഉള്ളതായിമെമ്പറിനു അറിയാമൊ?

MR. P. S. MAHOMED (*Nominated*) : ചില സ്ഥലങ്ങളിൽ അങ്ങനേയും കാണാം.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : മെമ്പറുടെ അറിവിൽ അങ്ങനെ വല്ല സ്ഥലങ്ങളും ഉള്ളതായിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : പണത്തിന്റെ അസൌകര്യം കൊണ്ടു കെട്ടിടംവയ്ക്കാതെ കിടന്നേയ്ക്കാം.

MR. RAMA VARMA RAJA (*Edavagai*): കെട്ടിടത്തിന്റെ അടിസ്ഥാനം കെട്ടിയിട്ടും കെട്ടിടംകെട്ടാതെ അതേനിലയിൽതന്നെ ഇട്ടിരിക്കുന്ന സ്ഥലങ്ങളും ഉള്ളതായി മെമ്പർക്കറിയാമൊ?

MR. P. S. MAHOMED (*Nominated*) : ചിലസ്ഥലങ്ങളിൽ അങ്ങനേയും കണ്ടേയ്ക്കാം. സാധാരണയായി അങ്ങനെ വരാൻ എളുപ്പമില്ല. സ്ഥലം എടുത്തതിന്റെ ശേഷം അതു നിരുപയോഗമായി ഗവണ്മെൻറു തള്ളിക്കളയും എന്നു നമ്മൾ വിചാരിക്കുന്നതു് ഒരിക്കലും ശരിയല്ല. ഗവണ്മെൻറിന്റെ സ്വാധീനത്തിൽ സ്ഥലം കിട്ടുന്നപക്ഷം ഒരുപക്ഷെ ഷെഡ്ഡുകെട്ടാൻ ഗവണ്മെൻറിനു സാധിച്ചു എന്നു വന്നേയ്ക്കാം. അതു

[Mr. P. S. Mahomed.]

കൊണ്ടു പകർച്ചവ്യാധിക്കാരെ ശുശ്രൂഷിക്കുന്നതിനു സ്ഥലം വേണ്ടെന്നു വയ്ക്കുന്നതു ശരിയല്ല.

MR. S. KRISHNA PILLAI (*Karunagapalli*): പക്ഷെ എന്നുള്ളതു മാററി നിശ്ചയമായും സാധിക്കും എന്നു മെമ്പർക്കു പറയാമൊ?

MR. P. S. MAHOMED (*Nominated*): നിശ്ചയമായും സാധിക്കും. എന്നാൽ നിവൃത്തിയില്ലാതെവന്നാൽ തല്ക്കാലം ഗവണ്മെൻറു ചെയ്യുകയില്ല.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഗവണ്മെൻറിനു നിവൃത്തിയില്ലെന്നു മെമ്പർ എങ്ങനെ അറിഞ്ഞു?

MR. P. S. MAHOMED (*Nominated*): കെട്ടിടത്തിനുള്ള തുക കൂടി ഗവണ്മെൻറു ബഡ്ജററിൽ പ്രൊവൈഡു ചെയ്യാത്തതുകൊണ്ട് ഇപ്പോഠം നിവൃത്തിയില്ലെന്നു വേണം വിചാരിക്കാൻ.

MR. RAMA VARMA RAJA (*Edavagai*): പകർച്ചവ്യാധി പിടിപെട്ട രോഗികഠംക്കുള്ള കെട്ടിടങ്ങഠം മുനിസിപ്പാലിററിയിൽനിന്നും കെട്ടിക്കുന്നതേ?

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെ കെട്ടിക്കൊടുക്കുന്ന മുനിസിപ്പാലിററികഠം കുറച്ചേയുള്ളു. ആലപ്പുഴ മുനിസിപ്പാലിററിയെപ്പോലെയുള്ള ചില മുനിസിപ്പാലിററികഠംക്കു പകർച്ചവ്യാധികഠംക്കുള്ള കെട്ടിടങ്ങഠം ഉണ്ടാക്കാൻ സാധിച്ചു എന്നുവരാം. മററു ചില മുൻസിപ്പാലിററികഠംക്കു ഗവണ്മെൻറുസഹായംകൊണ്ടെ അതു സാധിക്കുകയൊള്ളു. പറവൂരിനെ സംബന്ധിച്ചെടത്തോളം അങ്ങനെയുള്ള സഹായം ഉണ്ടാകുന്നതു വളരെ അത്യാവശ്യമായ ഒരു കാര്യമാണു. അല്ലെങ്കിൽ ഇതുമാതിരിയുള്ള പകർച്ചരോഗങ്ങഠം നിയന്ത്രിക്കപ്പെടുവാൻ സാധിക്കാതെവരും. അതിനുള്ള സൌകര്യംകൂടി കൊടുക്കരുതെന്നു വിചാരിക്കുന്നതു ശരിയല്ല. ഇതിനുംപുറമെ ഇതുമാതിരി കാര്യങ്ങഠംക്കു സാധാരണ ആളുകഠം സ്ഥലംകൊടുക്കുകപതിവില്ല. ഇങ്ങനെയുള്ള കെട്ടിടങ്ങഠം അവിടെ വരുന്നു എന്നു കേഠംക്കുമ്പോഠം ആളുകഠം അതു അവിടെനിന്നും ഓടിച്ചോടിക്കുവാൻ ശ്രമിക്കുകയെ ഉള്ളു. ഇപ്പോഠം ആ സ്ഥലം ഉടമസ്ഥൻതന്നെ സ്ഥലം കൊടുക്കാമെന്നു പറയുന്നതുകൊണ്ട് ഈ തുക അനുവദിച്ചുകൊടുക്കേണ്ടതാണെന്നാണ് എനിക്കു തോന്നുന്നത്. അതിനാൽ ഞാൻ ഈ ഡിമാൻഡിനെ അനുകൂലിക്കുന്നു.

MR. M. N. NARAYANA MENON (*Kottayam*): സർ, ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ അനുകൂലിക്കുന്നു. പറവൂർ നിവാസികഠം വളരെക്കാല

മായി ഗവണ്മെൻറിനോട്ട് അപേക്ഷിച്ചതിൻെറ ഫലമായിട്ടാണ് ഗവണ്മെൻറ ഈ സ്ഥലമെടുക്കാൻ തീർച്ചപ്പെടുത്തിയതു്. ഇപ്പോൾ വില കുറവുള്ള അവസരമാണ്. ഈ അവസരത്തിൽ സ്ഥലം എടുത്താൽ ഗവണ്മെൻറിനു ലാഭമുണ്ടാകും. അടുത്തകൊല്ലത്തിൽ കെട്ടിടവുംപണിയാം. അതിനാൽ ഞാൻ ഈ ഗ്രാൻറിനെ അനുകൂലിക്കുന്നു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ എതിർക്കുന്നു. പറവൂർ ആശുപത്രിക്കു ഇപ്രകാരമുള്ള ഒരു ഷെഡിൻെറ ആവശ്യകതയുണ്ടോ ഇല്ലയൊ എന്നുള്ള സംഗതി എനിക്കറിഞ്ഞുകൂടാ എന്നുള്ളതു ഞാൻ സമ്മതിക്കുന്നു. തലസ്ഥാനനഗരിയിൽനിന്നും വിദൂരമായ പറവൂർ താലൂക്കിനു എന്തെങ്കിലും ആനുകൂല്യങ്ങൾ ചെയ്തുകൊടുക്കുന്നതിൽ ഞങ്ങൾ ഒരിക്കലും എതിരല്ല. എൻെറ സ്നേഹിതൻ മി. കെ ഗോപാലകൃഷ്ണപിള്ള ഈ കാര്യം സമ്മതിക്കുമെന്നാണ് എൻെറ വിശ്വാസം.

MR. P. S. MAHOMED (*Nominated*): മി. ഗോപാലകൃഷ്ണപിള്ള ഇതാവശ്യമാണെന്നിവിടെ പറഞ്ഞില്ലേ?

MR. JOSEPH KUNJU (*Changanachary* cum *Peermade*): പറഞ്ഞു. ഏതൊ ഒരു വറിയതുറക്കാരലോസിനു കുറെ രൂപ കിട്ടാൻപോകുന്നു എന്നുള്ള സന്തോഷമൊ അതുകൊണ്ടുള്ള സന്താപമൊ അല്ല ഇതിനെ എതിർക്കുന്നതിനു എന്നെ പ്രേരിപ്പിക്കുന്നതു്. സാധാരണയായി നിയമസഭയിലെ ജനപ്രതിനിധികളോടാലോചിക്കാതെ ഗവണ്മെൻറ പല സംഗതികളിലും ഉൾപ്പെടാറുണ്ട്. അങ്ങനെ ഉൾപ്പെട്ടുകഴിഞ്ഞതിൻെറ ശേഷം "ഞങ്ങൾ ഇങ്ങനെ ഉൾപ്പെട്ടുപോയി ഇതത്യാവശ്യമാണ്, അതുകൊണ്ട് നിങ്ങൾ പണമനുവദിക്കണം"എന്നു ധനാഭ്യർത്ഥനകൾ കൊണ്ടുവരാറുമുണ്ട്. ഇങ്ങനെയുള്ള നയം തികച്ചും ആക്ഷേപാർഹമാണെന്നുള്ളതു് നിസ്തർക്കമാണ്. ഈ ഒരു നയത്തെ ആസ്പദമാക്കിയാണ് ഞാനിതിനെ എതിർക്കുന്നതു്.

രണ്ടാമത്തെ സംഗതി പബ്ലിക്കുഹെൽത്തു ഡിപ്പാർട്ടുമെൻറിലേക്കു ഒരു ആർട്ടിസ്റ്റിനെ വേണമെന്നുള്ള ധനാഭ്യർത്ഥനയാണ്. കഴിഞ്ഞ ബഡ്ജററു സെഷനിൽ ഹാജരായിരുന്നിട്ടുള്ളവർക്കെല്ലാം ഈ സഭക്കു പബ്ലിക്കുഹെൽത്തു ഡിപ്പാർട്ടുമെൻറിനെപ്പററിയുള്ള അഭിപ്രായം എന്താണെന്നറിയുന്നതിനു കഴിഞ്ഞിട്ടുണ്ടെന്നാണെൻെറ വിശ്വാസം. കേവലം പ്രയോജനരഹിതമായ ഒരു വകുപ്പാണിതെന്ന് ഇവിടത്തെ ഭൂരിപക്ഷം

സാമാജികന്മാരും അന്നു പ്രസ്താവിച്ചിട്ടുണ്ട്. ഇങ്ങനെ ഭൂരിപക്ഷസാമാജികന്മാരുടേയും പ്രതിഷേധത്തിനു പാത്രീഭൂതമായ ഈ വകുപ്പിലേക്കാണു ഇനിയും കൂടുതൽ പണം വേണമെന്നു ഗവണ്മെന്റു കൊണ്ടുവന്നിരിക്കുന്നതു്. ഇതനുവദിക്കുന്നതു് അത്ര ഉചിതമായ ഒരു കാര്യമാണെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. അതുകൊണ്ടു ഈ രണ്ടാമത്തെ ധനാഭ്യർത്ഥനയേയും ഞാൻ ശക്തിയുക്തം എതിർക്കുകതന്നെ ചെയ്യുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am sorry I have to disagree with Mr. S. Krishna Pillai who opposes this demand. It is not denied that the construction of a contagious ward is necessary and if my friends concede that it is necessary I fear they have adopted a wrong procedure in asking for the rejection of this demand. The members could have brought in a token motion and discussed the matter if the allotment is less than the actual amount required. Government make allotments by instalmentst and an allotment for the work is not made for 99 per cent. of the cases that are being carried out. If we say that unless Government are going to allot the full amount for the acquisition of land and for putting up th necessary sheds, we will be practically denying the citizens of Parur an urgent need for which they have been making insistent demands for the lest so many years. If it is a matter of policy I could have agreed with them. If it were a token cut I too would have opposed it. But it is not proper for this House which is a responsible body to refuse this demand.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What are the grounds on which supplementary demands can be asked for in this House?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The member will please refer to the rules.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Does this comply with the provisions of the rules and Standing orders?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I think so.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*); തിരുവിതാംകൂറിന്റെ തലസ്ഥാനനഗരിയിൽനിന്നും വളരെ അകലെകിടക്കുന്ന വടക്കൻപറവൂർ മുതലായസ്ഥലങ്ങളിലേക്കു ആവശ്യമുള്ള കാര്യങ്ങൾക്കു സാധാരണ പണം അനുവദിക്കുന്ന പതിവില്ല. എന്നാൽ അപൂർവ്വം ചില സംഗതികളിൽ മാത്രം ചിലപ്പോൾ ചില ദാക്ഷിണ്യങ്ങൾ കാണിക്കുന്നു എന്നു തോന്നത്തക്ക രീതിയിൽ ചില സംഗതികൾ കാണാറുമുണ്ടു്. തലസ്ഥാനനഗരിക്കടുത്തുള്ള സാമാജികന്മാർപോലും പറവൂരേയ്ക്കു ഒരു മസൂരി ആശുപത്രി കെട്ടിടം പണിയിക്കേണ്ടതു ആവശ്യമാണെന്നുപറയുന്നുണ്ടെങ്കിലും പിച്ചക്കാരന്റെ ചട്ടിയിൽ മണ്ണുവാരിയിടുന്ന സമ്പ്രദായത്തിൽ ഇതിനെ ഇതിനുസ്ഥലം എടുക്കുന്നതിനാവശ്യമുള്ള സംഖ്യ

അനുവദിക്കാതെ എത്തുകന്നതിൽ അത്ഭുതപ്പെടേണ്ടിയിരിക്കുന്നു. പറവൂരിൻെറ അതു പ്രധാന ഭാഗങ്ങളിൽ പോലും ഒരു പുരയിടത്തിൽതന്നെ അഞ്ചും ആറും വീട്ടുകാർ ഒന്നിച്ചുതാമസിക്കയാണു ചെയ്യുന്നതു്. അതു അധികവും തെങ്ങിൻപറമ്പുകളുമാണു്. ഒരു വീട്ടിൽ വസൂരിവന്നാൽ അതിനടുത്തവീട്ടിൽ പകരും. അവരെ മാററുന്നതിനു ഒരു ഷെഡ് അത്യാവശ്യമാണു്. ഇതിനെപ്പററി പ്രജാസഭയിലും ഈ നിയമസഭയിലും പലതവണയും പറഞ്ഞിട്ടുണ്ടു്. എന്നാൽ ഗവണ്മെൻറു ഇപ്പോഴെങ്കിലും ഇതിലേക്കു ഒരു സ്ഥലം എടുത്തുതരാം എന്നു വിചാരിച്ചതിൽ ഗവണ്മെൻറിനെ അഭിനന്ദിക്കയാണു് വേണ്ടതു്. കെട്ടിടംകൂടി അവിടെ കെട്ടേണ്ടതത്യാവശ്യമാണു്. അതിലേക്കു പണം ചേർത്തിട്ടില്ല; ഏതുകാരണംകൊണ്ടു ഇതനുവദിക്കാതിരിക്കുന്നതു ഒരിക്കലും ഭംഗിയല്ല.

പബ്ലിക്ക് ഹെൽത്ത് ഡിപ്പാർട്ടുമെൻറിലേക്ക് ഒരാർട്ടിസ്റ്റിനെ നിയമിക്കണമെന്നുള്ള ഭാഗത്തെപ്പററി മി. ജോസഫ് കുഞ്ഞു പറഞ്ഞ ഭാഗങ്ങളോടു ഞാൻ യോജിക്കുന്നു. ഈ ഡിപ്പാർട്ടുമെൻറിൽ തിരുവിതാംകൂറിലെ പൊതുജനങ്ങൾക്കു വലിയ വിശ്വാസമുള്ളതായിട്ടു കാണുന്നില്ല, ഈ ഡിപ്പാർട്ടുമെൻറിൻെറ പ്രവർത്തനം കൊണ്ടു ജനങ്ങളെ ബോധ്യപ്പെടുത്താൻ അവർക്കു സാധിക്കുന്നുമില്ല. ഇപ്പോൾ ആർട്ടിസ്റ്റിനെ കിട്ടണമെന്നു പറയുന്നതു പടങ്ങൾ കാണിച്ചെങ്കിലും ജനങ്ങളെ വിശ്വസിപ്പിക്കാനായിരിക്കാം.

MR. JOSEPH KUNJU (*Chnganachery cum Peermade*): കൊതുകിനെ അടിച്ചോടിക്കുന്നതിനുള്ളതു സമ്മതിക്കാമോ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): അതിലേക്കു ഏതാണ്ടു പരിശ്രമങ്ങൾ നടത്തുന്നുണ്ടെന്നു ബഡ്ജററു കൊണ്ടു കാണുന്നുണ്ടു്. കൊതുകിനെ അടിച്ചോടിക്കുന്നതായി ഇതുവരെയാതൊരറിവുമില്ല.

അതു കൊണ്ടു ഈ ധനാഭ്യർത്ഥനയിൽ ആദ്യത്തെ ഭാഗം അനുവദിക്കേണ്ടതാണെന്നും രണ്ടാമത്തെ ഭാഗം അനുവദിക്കേണ്ട ആവശ്യമില്ലെന്നും ഞാൻ അഭിപ്രായപ്പെട്ടു കൊള്ളുന്നു.

MR. S. KRISHNA PILLAI (*Karunagapalli*): സ്ഥലമെടുത്തുകഴിഞ്ഞാൽ കെട്ടിടം ഉടനെതന്നെ ഗവണ്മെൻറു കെട്ടിത്തരുമെന്നാണോ വിശ്വാസം?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): കെട്ടിത്തരുമെന്നാണു് എൻെറ വിശ്വാസം. അങ്ങിനെ കെട്ടിത്തരുന്ന കാലം വരെ മുനിസിപ്പാലിററിയോ അല്ലെങ്കിൽ അവിടത്തെ ജനങ്ങളോ ഷെഡ്ഡുകൾ ഉണ്ടാക്കണമെന്നാണു് എൻെറ വിശ്വാസം.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): അവിടത്തെ ജനങ്ങളം ക്ഷമയുണ്ടാകണമെന്നു മി. ഗോപാലകൃഷ്ണപിള്ള പറഞ്ഞതു മെമ്പർ കേട്ടില്ലേ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : കേട്ടു.

PRESIDENT : I put the two items under the Medical Department separately for the vote of the House.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I may be permitted to withdraw my opposition.

PRESIDENT : You are not the only opponent.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I am another opponent. I also wish to withdraw my opposition for the acquisition of land for the contagious diseases shed on the ground that some apprehensions have been made with regard to the attitude on the part of the members on this side of the House. We are not at all against the interests of Parur being fulfilled. I only suggested that, Government, after acquiring the land, will sleep over the matter. That should not be done. As soon as acquistion of land is over, they must proceed in the matter by putting up the necessary sheds,

PRESIDENT : Now, I put item No. 1 for the acquisition of land for the contagious diseases shed in the Parur Hospital, and, take it that the House sanctions the grant viz. ,Rs. 2,150

The grant was made.

PRESIDENT: Then I put item No. 2 for the appointment of an Artist in the Public Health Department on Rs. 20 per mensem, Rs. 240, for the vote of the House.

The grant was made.

DEMAND No. V. AYURVEDA DEPARTMENT ETC.

MR. A. KUMARA PILLAI (*Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 1886-14-0 under Demand V. Chemical Examiner, Ayurveda Department including grants to Institutions honororia to Vaidyans and Sanitary Department under the following three items :—

(1)	for publication of Ayurveda manuscripts ...	Rs. 484
(2)	for the constitution of the Haripad town into a conservancy town ...	Rs. 982-14-0
(3)	for the opening of a vaccination class ...	Rs. 420- 0-0
	Total ...	Rs. 1,886-14-0

Regarding the first item, I would say that on 1-2-1108 Government ordered that the work of publication of Ayurveda manuscripts should be transferred from the Curator of Oriental Manuscripts to the Principal, Ayurveda College. The Principal of the Ayurveda College reported that it would be more convenient and expedient for him to undertake the work. There is also facility for the

Vaidya Pandit who is attending to that work to easily refer to the Library of the Ayurveda College as well as get the support from the Professors of that College. On these grounds, the Principal requested Government to transfer the grant from the Curator's budget to the Ayurveda budget. The Account Officer who was consulted in the matter said that it could not be done unless and until the Council votes upon it. So I request the House to grant the same, as this is only a matter of transfer from one budget head to another.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it the member's opinion that the work : if entrusted to the Principal of the Ayurveda College, could be better done than it is at present under the Curator's direction?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes. The Curator of Oriental Manuscripts has consented to that arrangement. There is no extra expenditure involved. This is merely a transfer.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): About the self-advertisement of the Principal of the Ayurveda College, I want to ask another question. Was it the Principal who first suggested for the transfer of the work, or was it some other gentleman who said that if he is entrusted with the work he could do it better?

MR. A. KUMARA PILLAI (*Secretary to Government*): It was the Principal of the Ayurveda College that suggested this first.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the greater qualification appropriated by the Principal of the Ayurveda College as regards this work?

MR. A. KUMARA PILLAI (*Secretary to Government*): This work refers to publication of Ayurveda manuscripts and as he is the Principal of the Ayurveda College, he could attend to this work better.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to understand from the member that when the work was entrusted with the Curator, Government did not take into consideration the qualification of the supervising man? At whose suggestion was it that the publication was originally entrusted with the Curator?

MR. A. KUMARA PILLAI (*Secretary to Government*): The Curator was attending to the publication of old manuscripts. So, the Government naturally thought that this work could be better undertaken by him at that time.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So, is it the Government's intention to descriminate the work of the particular officer?

MR. A. KUMARA PILLAI (*Secretary to Government*): When the convenience as regards publication of the work was brought to the notice of Government, the Government agreed that in the interests of work, publication of manuscripts could be better entrusted with the principal of the Ayurveda College.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member what exactly is the nature of the work with reference to blication of Ayurveda manuscripts?

MR. A. KUMARA PILLAI (*Secretary to Government*): Selection of manuscripts for Printing and publication.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the function of the person employed in the publication of manuscripts?

MR. A. KUMARA PILLAI (*Secretary to Government*): To read *granthams* and *olas*, to transcribe them and to get them printed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If that is the only function to be attended to, what is the difficulty for the Curator to supervise the work? How is the Principal of the Ayurveda College, particularly efficient so far as this work is concerned? How is his capacity brought into display in the matter of transcription and publication?

MR. A. KUMARA PILLAI (*Secretary to Government*): Sometimes he may have to write an introduction which requires some reference to authoritative books and *granthams* dealing on Ayurveda. Moreover, this is more convenient.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): His function is purely reading of old records, transcribing them and publishing them through the Government Press. I ask the Government, what is the part to be played by the Principal of Ayurveda College in the matter of publication. How is it specially convenient for him and him alone, to publish the work?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is a matter relating to Ayurveda.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether he has not to discriminate between manuscripts?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

For the constitution of Haripad Conservancy town, I have a word to submit. The Haripad Municipality was abolished on 9-3-1108 at the persistence of the citizens of Haripad and the Sanitary Commissioner was thereafter asked to look to the lighting and sweeping work of the town, for which he has requested Government to sanction Rs. 982-14-0.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Is the member sure that those people who protested against the Municipality would not object to the creation of a conservancy station?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is for their own benefit; I do not think anybody would object to this.

MR. S. KRISHNA PILLAI (*Karunagapalli*): When was it abolished?

MR. A. KUMARA PILLAI (*Secretary to Government*): On 9-3-1108.

For the opening of a vaccination class, the Sanitary Commissioner has written to Government that the class opened in 1106 trained about 20 persons and that all of them were absorbed in the department. Now there is necessity for more trained men to attend to vaccination

work in times of epidemics to fill up vaccancies. He has recommended to Government that a class should be opened to train 40 persons for a period of four months for which he requires Rs. 420. I also state in this connection that the fees derived from the students will more than suffice for this expenditure.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What does the member say in regard to the first item of Rs. 484. What does it represent, may I know?

MR. A. KUMARA PILLAI (*Secretary to Government*): Pay of the Vaidya Pandit.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I oppose the provision of Rs. 484 for publication of Ayurveda manuscripts. It is on a fundamental principle that I beg to opppose the motion. Time after time, the constitutional issue involved in bringing up supplementary grants for the consideration of the House is generally, lightly viewed by Government. It is a well-known parliamentary principle that the creation of a new office should not be undertaken unless there is an urgent necessity for the same during the middle or end of the year.

MR. K. GEORGE (*Chief Secretary to Government*): This is only a question of transfer from one departmental grant to the other. No question of creation arises.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is not a Vaidya Pandit to be created under the Principal of the Ayurveda College?

MR. A. KUMARA PILLAI (*Secretary to Government*): No. The Vaidya Pandit who is now attending to this work under the Curator will be asked to work under the Principal, Ayurveda College. So it is merely a question of transfer.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Am I to understand that the Curator will be having a Vaidya Pandit after the transfer of grant is done?

MR. A. KUMARA PILLAI (*Secretary to Government*): No.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Cannot any other man be employed by the Principal also as Vaidya Pandit?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): This is a transfer from one departmental item to another. So the transfer of the Pandit also will take place.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member, what is now proposed to be made by transfer, will there be a Vaidya Pandit to the Curator, whether the work was supervised till now by the Curator, whether a new office is going to be created, who was doing that work up to the present, why does the question of transfer arise?

MR. A. KUMARA PILLAI (*Secretary to Government*): One Vaidya Pandit is doing the publication work under the supervision of the Curator. Now if this demand is sanctioned by the House, the Vaidya Pandit will hereafter work under the Principal of the Ayurveda College.

[Mr. A. Kumara Pillai.] [C1]

The Government have ordered that the work be done under the supervision of the Principal of the Ayurveda College. The Account Officer with whom the matter was consulted objected to this item of expenditure being transferred without the Council's permission.

MR. A. THANU PILLAI (*Trivandrum*) : Was not this work originally done by the Principal before?

MR. A. KUMARA PILLAI (*Secretary to Government*) : Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In view of the fact that the work may be efficiently done under the supervision of the Principal of the Ayurveda College, I have no objection to that. In that case a transfer is sought only on the merits of the proposition. The member who moved for the grant was not in a position to tell us that the main work of publication is contained in reading old *granthams* and transcribing them correctly. If it is purely a question of reading and transcribing, how could it be said that the work could not be efficiently supervised by the Curator also. How is the Principal of the College eminently fitted for supervising the work of his assistant? By transcription, I mean, if a *grantham* is written in literary Tamil, only the Malayalam equivalent is to be put in. If it is in any other language then also, the rendering of it in Malayalam alone is essential.

MR. M. GOVINDAN (*Nominated*) : Is it not necessary that for transcribing a publication, a reference to particular set of books is essential? By whom is that selection to be made?

MR. A. KUMARA PILLAI (*Secretary to Government*) : Yes. The Principal will select the book.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) ; Am I right in concluding that the work was done satisfactorily till now under the supervision of the Curator? What is the benefit that the Pandit will derive if this work is turned out with the aid of the Principal?

MR. A. S. DAMODARAN ASAN (*Mavelikkara* cum *Kartikapalli*) : If both the Curator and the Principal agree that the work might be supervised by the Principal, what is the member's objection?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not agree and that is all my objection. (*Laughter*) I am of the idea that both the Curator and the Principal are experienced and properly qualified officers. It is often come across that two different officers very seldom agree. Therefore, the work is likely to suffer if two people are asked to decide what particular work should be published. Granting for argument's sake that the Principal may know better than the Curator, how is it possible to discriminate that? Are we to conclude that the Curator is not expected to possess any qualification on Ayurveda and that then his language in this matter counts for nothing. Therefore with reference to the importance of publication and with reference to the nature of the document relating to Ayurveda, are we to say that the Curator's opinion is of no value? Is his agreement or disagreement nothing after all? If the Principal's opinion must prevail because he is an expert in Ayurveda matter, the member in charge of the demand must have said that the Principal of the Ayurveda College is an expert in Ayurveda matters.

MR. K. GEORGE (*Chief Secretary to Government*) : This is after all a transfer from one department to another.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : In what way the Pandit is to derive more help from the Principal of the Ayurveda College, I am not able to see. What is the help that he has not derived from the Curator till now, I am not able to understand.

MR. A. THANU PILLAI (*Trivandrum*) : Does not the member realise that for editing ancient works on Ayurveda, the Principal is more fitted than the Curator?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) ; So more information is coming from non-official members.

PRESIDENT: Your time is up.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have almost finished. The Secretary said that after all, the real work is to be done only by the Vaidya Pandit and the Curator or Principal is only for helping him by way of writing introduction and all that. In that case, writing of introduction can be done by the Head of the Medical Department or the Education Department or the Inspecting Medical Officer. Sometimes, all the employees put together can give their collective aid. I have no objection, for this Pundit getting the assistance of the various officers concerned.

MR. A. THANU PILLAI (*Trivandrum*) : I wish to say a word in this connection. Formerly the Pandit who now attends to the work of publication of Ayurveda manuscripts was really working in the Ayurveda Department. Till two or three years ago, the arrangement was that. Then, somehow or other, the Government transferred that man to the Curator's Department and placed him under the Curator for publication of Oriental manuscripts. That was a mistake and I remember to have objected to it then, and Government then were not in a position to give me any satisfactory explanation for the change. Subsequently they found out the mistake. My information is that the Curator is not able to attend to the work properly. He cannot help the Pandit in the matter of editing Ayurveda works properly. So much so the Pandit's work is left alone to be done by himself and no very useful work has been done till now. Now I understand that the Government only want to correct the mistake they have made in transferring the Pandit to the Aiyurveda Department. The Principal is the proper man for editing the Ayurveda works.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does this amount include the cost of printing?

MR. A. KUMARA PILLAI (*Secretary to Government*): It includes contingency and other things.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is fairly a large amount under that item. I believe the Pandit's pay must be included in this. Is that information correct?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know from Mr. Thanu Pillai if this Rs. 484 does not represent the pay of the Pandit, what is the monthly pay of the Pandit?

MR. A. THANU PILLAI (*Trivandrum*): I want my friend to realise that I do not represent Government. Only I wanted to remind Government that they committed a mistake in transferring this Vaidya Pandit to the Curator's Department, as they did not pay heed to the suggestions of the non-official members. Now at least, I am glad, the Government are rectifying the mistake by means of the transfer proposed. I believe my friend Mr. K. P. Nilakanta Pillai was under a misapprehension when he opposed the demand.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know from the member in charge of the demand whether this Rs. 484 represents the pay of the Pandit or only the contingency and cost of printing or all items together? I am asking this question just for the purpose of helping ourselves in the matter of voting. The Secretary may take note of this point and answer it in his reply speech.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): May I know from the member whether it does not represent the pay of the Pandit?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes. It represents the pay of the Pandit for 11 months.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): In regard to the last item, namely, the Public Health activities, we were told that they were successful in vaccinating about 12,000 people in the course of a brief period and that was done by expert hands. I do not at all deny the necessity for vaccination. The necessity is urgently felt by the country. But my only doubt is whether this will meet the demand in full if the work is entrusted to the past pupils of the vaccination class as is sought to be done now. It may be a savin[illegible] Government. But we have got people who possess higher qua[illegible]cations on the subject; those who have passed the Sanitary Inspector's [illegible]st. Many of them are still unemployed. I am not competent to pr[illegible]unce any opinion on the comparative merits of these people. B[illegible] anyhow, when we have got persons who are still unemployed, and who have got the sanitary Inspector's qualification, I utterly fail to see why we should open a vaccination class which will fetch only people with less technical qualifications and lesser general qualifications.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Ka[illegible]ikapalli*): Is the member aware of the qualifications of the vaccinators.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I am not in a position to answer Mr. Asan.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Will it be a calamity to the country if more vaccinators are trained than are necessary?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Exactly so. It will be a serious calamity. This is a responsible work which must be entrusted to people with adequate qualifications.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is it the opinion of the member that only Sanitary Inspectors should be appointed for the purpose ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is not it. We hear of Head constables having passed Inspector's Test. But we do not call them Inspectors. We call them only Head constables. So also in the case of Sanitary Inspectors. People who have got the approved qualification may be appointed. If such a class is opened here we can turn out better stuff and there will be absolutely no lessening of the quality even though there is economic gain. The Public Health Department also feels the necessity of recruiting for vaccination service people with greater qualifications.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member's objection relate only to the name ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : No. The sort of instruction that is given, that is what I refer to.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I support the motion. In doing so I take this opporunity of congratulating the Government on their decision of doing away with an unwanted municipality. I hope they will take similar action in regard to similar other municipalities.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The member is not speaking on the motion that I have spoken upon.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He is speaking on the demand before the House.

MR. A. KUMARA PILLAI (*Secretary to Government*) : Sir, I may assure Mr. Nilakanta pillai that he need not apprehend that a new post of Vydia Pandit will be created now. This is only for the transfer of the Vaidya Pandit from one department to another.

With regard to the vaccinators, the vaccinators trained will be more qualified than the Sanitary Inspectors referred to by Mr. E. V. Krishna Pillai.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : I suppose it is necessary as vaccination has been made compulsory in rural areas?

MR. A. KUMARA PILLAI (*Secretary to Government*) : The syllabus of the class cosists of Vaccination, Hygiene and Physiology. The Sanitary Inspectors, whom Mr. E. V. Krishna Pillai referred to, are not better qualified than the persons who will be trained in this class,

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What about those who are in service who are called vaccinators?

MR. A. KUMARA PILLAI (*Secretary to Government*); The intention of the Sanitary Commissioner is to supplant them with better qualified men.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member say that those who are trained in this branch will be better qualified on the subject?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes. Only school finals will be admitted to the class.

The demand was then put and carried.

The Council adjourned for lunch at 1-57 P. M. and reassembled at 2-45 P. M., the Deputy President presiding.

DEMAND VII—EDUCATION.

MR. E. G. MCALPINE (*Director of Public Instruction*): Sir, under demand VII—Education,I move for a grant not exceeding Rs. 18,260, comprising the following four heads:—

(1) for petty construction and repairs to Vernacular schools for boys and girls Rs. 10,700; (2) for the appointment of additional teachers in Vernacular Schools for boys and girls Rs. 4,000, (3) for the appintment of a third grade Supervisor on Rs. 80-120 as P. W. D. Officer for the Education Department Rs. 560, (4) for providing additional accommodation to the three training schools at Neyyattinkara, Mavelikara, and Ettumanur Rs. 3,000.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Has he any explanation for the items? We want to get some explanation from the mover. I thought he would be giving some explanation while he was on his legs.

MR. E. G. MCALPINE (*Director of Public Instruction*): If the member would tell me if there is any item about which explanation is necessary, I shall give it. The first three of the demands I have made are quite clear. It is possible that the fourth one may not be quite clear.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I want to know about the provision for the appointment of a Supervisor?

MR. E. G. MCALPINE (*Director of Public Instruction*) That is quite clear. The present position is that there is one subordinate officer of the Public Works Department who is attached to the Education Department.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) What is his status, please?

MR. E. G. MCALPINE (*Director of Public Instruction*) I do not know. The P. W. D. does not mention it. His pay is Rs. 50-70. I think he is an overseer. He is the only person for inspecting all the

schools in the State. It is an impossiblity to inspect all the schools particularly in the monsoon period when schools sometimes fall down. When the buildings become insecure urgent telegrams are sent to the effect that such and such a school is in a dangerous condition and it must be inspected. The answer is that the Overseer is at Nagercoil while the school that wants him is at Parur. It is a practical difficulty. There are over three thousand schools. One man cannot do all that. I do not consider that two will be adequate, but two will certainly be much better than one. Therefore if the additional supervisor is appointed it will be possible to attend to this work much better than before.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : I thought the member only wanted two officers. Why does the member want one of them on a superior grade drawing a higher salary than the other in view of the fact that these two officers are only to do similar kind of works?

MR. E. G. MCALPINE (*Director of Public Instruction*) : These two officers are not going to do similar kind of work. The present officer in my office is going to be transferred to the office of the Inspector of Vernacular Schools who has been pressing upon me that his branch being the biggest will require at least one man. The man that is to be appointed will be attached to my office for the purposes of the girls' schools and boys' English schools.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnatur*) : I remember to have heard from the member that he wants two officers because, to follow his own illustration, when a school is tumbling down in Parur the officer may be in Nagercoil. Here also if this man is the only one to be attached to his office the same difficulty arises. How can that difficulty be removed if both are called upon to do the same work?

MR. E. G. MCALPINE (*Director of Public Instruction*): The work is not merely the inspection of school buildings. They have also to draw up and check estimates. I want a man who will be in charge of all kinds of work connected with buildings with which the Education Department is concerned. The Inspection of buildings which are in a dangerous condition is only one part of his work. There is a great deal to be done in my office by way of preparation of estimates, etc. I want an officer of a higher grade, not of the grade of an Overseer in the P. W. D., but of a higher grade for doing this work.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know what is the amount of the estimates that have to be passed by the Director of Public Instruction?

MR. E. G. MCALPINE (*Director of Public Instruction*): My own limit is Rs. 1,000. But I have to prepare estimates for the administrative sanction of the Government and also to check the estimates prepared by the P. W. D.

MR. P. K. NILAKANTA PILLAI (*Chirayinkil*): May I know whether a Supervisor on Rs. 560 per mensem is necessary for that purpose? (Voices: No it is only Rs. 80-120 per mensem.) Yes, Rs. 80. May I know whether the Director is not able to rely upon the opinion of the present man with regard to the construction of buildings, etc?

MR. E. G. MCALPINE (*Director of Public Instruction*): Up to the limit to which I have to deal, I will have to go by the opinion of this man. Above that, it is the considered opinion of the Public Works Department--I presume that they know their own business. When the estimates are not dealt with by my department they are dealt with by the P. W. D. It is the opinion of the P. W. D that an officer of this grade is necessary if the work is to be done without outside reference.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to item No. 4 in the propsal for providing accomodation for training schools at Neyyattinkara, Mavelikara and Ettumanur, may I know the nature of the accommodation intended to be provided?

MR. E. G. MCALPINE (*Director of Public Instruction*): When the Retrenchment Committee considered the possibility in the retrenchment in the Education budget, one of the proposals was whether it was not possible to reduce the expenditure under training schools. The matter was referred to the department and was carefully considered and Government were informed that it would be possible to abolish some of the present Lower Grade Training Schools and absorb the students in other training schools, provided additional accomodation was provided in certain classes and this sum of Rs. 4000 is to provide additional accommodation. There are two factors in a training school, one is that we must have certain amount of floor space because we are aware that in training schools a good amount of the available space is used for black board practice. It is not good if 100 students have only one or two divisions in which you can practise teaching. The total number of students turns mainly upon whether two factors are available and the department considered whether with the available facilities it is possible to reduce 4 of the training schools and by re-distribution of students carry on the work without loss of the efficiency provided extra accommodation to this extent is provided in three other schools. It is only a distribution of students with additional buildings in these three schools and for that purpose an estimate for Rs. 4,000 is made.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to item No. I provided for petty repairs, may I know what is the nature of the petty construction and repairs to be undertaken; whether these amounts involve expenses to be incurred for making additional sheds of a temporary nature or of some semitemporary nature?

MR. E. G. MCALPINE (*Director of Public Instruction*): Sir, I cannot tell the member to what particular items this amount is going to be applied.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether this amount is provided for all the schools and colleges in the State or for all Vernacular Schools only?

MR. E. G. MCALPINE (*Director of Public Instruction*) : This item is intended——

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : For all Government Vernacular Schools in the State?

MR. E. G. MCALPINE (*Director of Public Instruction*) : Every Government Vernacular School for boys and girls.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : So some sort of costruction has to be done with reference to all or some of these Government Vernacular Schools throughout the State? Am I to understand the member like that?

MR. E. G. MCALPINE (*Director of Public Instruction*): I do not understand what the member means.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : There is a lump sum provided for petty construction and repairs of Vernacular Schools. Am I to understand that this sum is provided to carry on petty construction and repairs with reference to some or all the Vernacular Schools in the State?

MR. E. G. MCALPINE (*Director of Public Instruction*): I am afraid the member does not make it more clear to me.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : My question is whether this amount is to be spent for carrying on repairs in a particular school or with reference to half a dozen particular schools or all the Vernacular Schools in the State?

MR. E. G. MCALPINE (*Director of Public Instruction*) : It is intended for schools generally. This additional grant is made because the present grant is inadequate to meet the requirements of all the schools in the State. The Inspector and the Inspectress require this additional sum. It is not earmarked for any particular place. It is intended for general use throughout the State.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know what the Budget provides for contingencies in the department?

MR. E. G. MCALPINE (*Director of Public Iustruction*) : The Account Officer says Rs. 47,500.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Has that provision been exhausted? Is there no provision left with the Director to meet the expenditure of a similar nature?

MR. E. G. MCALPINE (*Director of Public Instruction*) : The sum that is already alloted has been distributed among the officers concerned. But I cannot tell the member exactly whether it has been spent or not. This estimate is for the needs of the year 1108 and it is known now that the sum already sanctioned is inadequate. In the face of the demand made by the Inspector and the Inspectress this demand is made. I do not know the actual sum spent. But the sum already sanctioned is insufficient for the needs and this sum is intended to meet the inadequacy.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So, may I know whether this is brought forward without knowing whether the amount already distributed has been spent or not?

MR. E. G. MCALPINE (*Director of Public Instruction*): It is not brought forward without knowing what amount has already been distributed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): On what basis the necessity has been felt the Director is not in a position to say. He is not sure whether the amount distributed to the officers has been spent and what additional amount is necessary. He is not able to give that information. I want to know that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I oppose item No. 3. That provides for the appointment of a slightly higher grade officer than the present incumbent.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shenkotta*): There are two cut motions tabled for this purpose. We have to take them first.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): കെട്ടിടങ്ങളുടെ അററകുററപ്പണിക്കും കെട്ടിടങ്ങൾ ഉണ്ടാകുന്നവകക്കുമായി ആവശ്യപ്പെട്ടിരിക്കുന്ന ൧൦,൬൦൦ രൂപായിൽനിന്നും ൪ രൂപാകുറയ്ക്കണമെന്നുള്ള ഉപക്ഷേപത്തെ ഞാൻ ഇവിടെ അവതരിപ്പിച്ചു കൊള്ളുന്നു. ഈ ഉപക്ഷേപം അവതരിപ്പിക്കുന്നതിന്റെ പ്രധാനഉദ്ദേശം......

DEPUTY PRESIDENT: What is the cut motion that you want to move?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): To discuss the policy of the department.

DEPUTY PRESIDENT: I think it has been already announced by the President that th general policy could not be discussed. You must bow down to the ruling of the President.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not know under what ruling we are prevented from discussing the general policy?

DEPUTY PRESIDENT: Ruling has already been given by the Chair and you are bound by it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Are we bound by it for to-day only or permanently?

DEPUTY PRESIDENT: Even before the debate on the supplementary grants, it was so announced and I think you are bound by it. Whether it is to be applicable for to-day or for all time to come need not be considered now.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shenkotta*). The ruling is that the policy of the department cannot be discussed.

DEPUTY PRESIDENT: That has been the ruling already given and you are bound by it.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): The ruling is that the policy of the department cannot be discussed. Cannot the policy underlying the construction and repairs be discussed?

DEPUTY PRESIDENT: Whatever that be, I do not think it is proper to question the propriety of the ruling. A ruling has been given and you are bound by it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is it not with regard to that particular demand that that ruling was given?

DEPUTY PRESIDENT: Even before the debate commenced the president gave a ruling as to how the whole debate ought to be conducted. It has to be followed.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then I think I am in order, because there are no cut motions.

DEPUTY PRESIDENT: It is open to the mover of the cut motion to discuss the grant with reference to the cut. On the other hand there have been several precedents where even in discussing a supplementary grant in connection with a cut motion they were required to confine themselves to the subject of the cut alone and not the policy of the department.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Anyway that does not give him any priority over me.

DEPUTY PRESIDENT: Whatever that be, there is the cut motion and in as much as he has announced that, he may speak.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I have expressed one or two ideas. So I may be given the priority. (*Laughter.*)

DEPUTY PRESIDENT The question of seniority does not arise at all by the mere fact you spoke first. No question of seniority would come in and I do not know what you mean by seniority.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഈ ഉപക്ഷേപം അവതരിപ്പിക്കുന്നതിൻെറ പ്രധാന ഉദ്ദേശം കഴിഞ്ഞബഡ്ജററ് കാലത്ത് പെൺകുട്ടികൾക്ക് ചുമത്തിയിരുന്ന ഫീസിനെ സംബന്ധിച്ച് നിയമസഭാംഗങ്ങൾ ശക്തിയായി എതിൎത്ത അവസരത്തിൽ അതിനെപ്പററി പുനരാലോചന ചെയ്യാമെന്നു പറഞ്ഞിട്ട് ഇതുവരെ യാതൊന്നും പ്രവൎത്തിച്ചു കാണുന്നില്ല എന്നുള്ളതിനാൽ ആ സംഗതി ഗവൺമെൻറിൻെറ ദൃഷ്ടിയിൽ വീണ്ടും കൊണ്ടുവരുന്നതിനാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is he in order in discussing about the fees of girls in schools when dealing with the construction of buildings?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ആ കാരണം നിമിത്തം ഇത്രയും കൂടുതൽ തുക വേണ്ടിവരികയില്ല എന്നു പറയുന്നതിനാണ് ഫീസിൻെറ കാൎയ്യം പറഞ്ഞത്.

DEPUTY PRESIDENT : കെട്ടിടം നന്നാക്കുന്ന സംഗതിയെപ്പററിമാത്രം പറഞ്ഞാൽമതി.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : മേലാൽ പെൺകുട്ടികൾ കുറഞ്ഞുവരുമെന്നുള്ളതുകൊണ്ടു കൂടുതൽ കെട്ടിടത്തിൻെറ ആവശ്യമില്ലെന്ന് കാണക്കാനാണ് ഞാൻ ആ സംഗതി പ്രസ്താവിച്ചിട്ടുള്ളത്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കെട്ടിടങ്ങൾ മറിഞ്ഞുവീണ് ആൺകുട്ടികൾക്കുതരക്കേടുണ്ടായാൽഅതു കൊണ്ടു ദോഷമില്ലെന്നാണൊ വിചാരിക്കുന്നത്?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ആൺ പള്ളിക്കൂടങ്ങൾക്ക് മാത്രം ഇത്രയും ചിലവു വേണ്ടിവരികയില്ലല്ലൊ.

DEPUTY PRESIDENT: You may confine your remarks to the grant itself.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I rise to a point of order. I want a ruling as to whether this cut is a token cut or a specific cut.

DEPUTY PRESIDENT : The member concerned has not apprised the House as to what cut it is. As such, I do not know whether a ruling from the Chair as to what it should be can be given now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I think the member has mentioned his motion to reduce Re. 1 from Rs. 4,000. I want to know whether that motion is a token cut or a specific cut. I want a ruling on that.

DEPUTY PRESIDENT : In the light of the ruling already made, remarks must be on the lines of the ruling already passed in the matter. I can say only that much. Whether it is intended to be a token or specific cut is a matter that we have to gather from what the member speaks.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : What I want to understand is whether we are allowed to discuss the necessity or otherwise of Rs. 4 less or can we say generally on the buildings ?

DEPUTY PRESIDENT : On a token cut with reference to a supplementary grant in the light of the ruling you can speak as regards nature of the grant itself and not with reference to the general policy of the department. I think the ruling is sufficiently clear. You can speak about buildings generally, but not with reference to the general policy of the department.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഈ രാജ്യത്തെ മലയാളം സ്കൂളുകളെ ഗവണ്മെൻറു നല്ലവണ്ണം സൂക്ഷിക്കാത്തതു നിമിത്തം പലവിധ കേടുകളും ഉണ്ടായി അവ നശിച്ചുപോകുന്നുണ്ടു. പ്രസിഡൻറു അനുവദിക്കുന്ന പക്ഷം സ്കൂളിൻെറ പേരു തന്നെ പറയാം. ഇ

ക്കാക്കരപകുതിയിൽ തേവക്കൽ എന്ന സ്ഥലത്തു ഒരു സ്കൂൾ ജനങ്ങൾ പണിയിച്ചു ഗവണ്മെൻറിനെ ഏല്പിച്ചു. ഗവണ്മെൻറധികാരികളുടെ ശ്രദ്ധക്കുറവു് മൂലം ആ സ്കൂൾ മുഴുവൻ ചിതൽ പിടിച്ചു നശിക്കാറായപ്പോൾ അവിടത്തെ ജനങ്ങൾ ഈ വിവരം ഗവണ്മെൻറിനെ അറിയിച്ചു. അതനുസരിച്ചു ചീഫ് ഇഞ്ചിനീയർ ആളയച്ചു് കെട്ടിടം നോക്കിയപ്പോൾ ആ കെട്ടിടത്തിൽ ഓടു ഇരിക്കാൻ ബലമില്ലെന്നും പറഞ്ഞു ഓടു് എല്ലാം താഴെ ഇറക്കി ഓല കെട്ടിക്കുകയും കെട്ടിടത്തിൻെറ മോന്തായത്തിന് ബലമില്ലാത്തതുകൊണ്ടു തെങ്ങു് കൊണ്ടു തൂണു് ഇടുവിക്കയും ചെയ്തു. ഈ വിധത്തിലുള്ള ഗവണ്മെൻറിൻെറ അശ്രദ്ധകൊണ്ടു് കെട്ടിടം താഴെ വീഴുകയാണെങ്കിലും അതിനെ ജനങ്ങൾ തന്നെ വീണ്ടും കെട്ടിച്ചു കൊടുക്കണമെന്നും അല്ലെങ്കിൽ സ്കൂൾ നിറുത്തിക്കളയുമെന്നും പറഞ്ഞു ജനങ്ങളെ ഭീഷണിപ്പെടുത്തുന്നു. ഇങ്ങിനെ അനേകം സ്കൂളുകൾ ഉണ്ടു്. കെട്ടിടങ്ങൾ ചീത്തയാകുന്നു എങ്കിൽ അതിനെ ഗവണ്മെൻറിൽനിന്നും ഉടൻ തന്നെ നന്നാക്കി പണിത്തും തുടങ്ങുന്നതിനു പകരം ആവക സംഗതികൾ ജനങ്ങൾ തന്നെ ചെയ്യണമെന്നും അല്ലെങ്കിൽ സ്കൂൾ നിറുത്തിക്കളയുമെന്നും ഉള്ള ഒരു നയമാണു് ഇപ്പോൾ നടന്നു വരുന്നതു്. ജനങ്ങൾക്കു് രണ്ടും മൂന്നും തവണ കെട്ടിടം കെട്ടിച്ചു കൊടുക്കുവാൻ സാധിക്കുകയില്ല. വിശേഷിച്ചും ഈ ക്ഷാമകാലത്തു് ഒരിക്കലും സാധിക്കുകയില്ല. ഗവണ്മെൻറു സ്കൂളുകൾ പലതും ജീർണ്ണീഭവിച്ചിരിക്കുന്നു. ഈ സംഗതിയിൽ വിദ്യാഭ്യാസമേലദ്ധ്യക്ഷനോ മററു ഇൻസ്പെക്ടന്മാരോ വേണ്ടുവോളം ശ്രദ്ധിക്കുന്നതായി കാണുന്നില്ല. അതിനാൽ കേടു ഭവിച്ചിട്ടുള്ള കെട്ടിടങ്ങളെ കഴിയുന്നതും വേഗത്തിൽ ഗവണ്മെൻറിൽനിന്നും നന്നാക്കിച്ചു തരണമെന്നു ഡയറക്ടരെ ഉൽബോധിപ്പിക്കുന്നതിനും ഈ സംഗതി ഗവണ്മെൻറിൻെറ ദൃഷ്ടിയിൽ കൊണ്ടുവരുന്നതിനുമാണു് ഈ ഉപക്ഷേപം ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ളതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); Sir,.....

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir,.....

DEPUTY PRESIDENT: Mr. K. P. Nilakanta Pillai is already on his legs.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I oppose the motion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Which motion please?

MR. E. G. MCALPINE (*Director of Public Instruction*): Is he opposing the cut motion or my demand?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am opposing the demand.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is the token motion that is now before the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, after all, in the light of the ruling from the Chair, the token motion is meaningless.

DEPUTY PRESIDENT: In speaking on the token motion, he can say that he opposes the whole demand.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The token motion relates only to the allotment of Rs. 10,000.

DEPUTY PRESIDENT: Let us allow Mr. K. P. Nilakanta Pillai to explain his position.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What are we to vote upon?

DEPUTY PRESIDENT: We can decide that just before voting.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): While the Director was on his legs I put the pointed question to him whether the amount already provided...........

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മെമ്പർ ഈ പ്രമേയത്തെ അനുകൂലിക്കുകയാണൊ എതിൎക്കുകയാണൊ ചെയ്യുന്നതു്?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): എതിൎക്കുകയാണെന്നു ഞാൻ ആദ്യമെ പറഞ്ഞു കഴിഞ്ഞെല്ലൊ.

MR. M. GOVINDAN (*Nominated*): I rise to a point of order. My friend is opposing the whole demand. The motion before the House is a token motion for a cut of Rs. 4.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The question is very simple. It has been definitely ruled by the Chair that the policy of the department cannot be discussed under the token motion.

DEPUTY PRESIDENT: What has been ruled out is a discussion of the general policy of the department and not the policy of the department with respect to the item for which the demand is made. I should point out to the House the distinction between the two. A token motion has been allowed, and in discussing it it may be stated that the whole demand ought to be refused; but the policy with respect to the particular item alone may be discussed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes, Sir. On page 99 of the Budget for 1108 a sum of Rs. 28,000 has been provided for petty construction and repairs.

DEPUTY PRESIDENT: The token motion now before the House relates to one item, *viz.*, the provision of Rs. 10,000. In your remarks you may *refer* to the whole demand; and you may also discuss the *policy with respect to that particular item* covered by the Rs. 10,000.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There is a provision of Rs. 28,000, for petty construction and repairs, under Education, in the Budget for 1108. I put the pointed question to the Director whether that amount has been spent and whether it is on account of the fact that that has been found insufficient that the present demand is made. But the Director could not inform us about that. He simply says that he distributed the funds between the officers under him. Sir, a supplementary grant can be asked only on two grounds, *viz.*, (1) that the amount provided in the Budget has been spent out and found to be insufficient, and (2) that the expenditure has newly arisen and could not be contemplated at the time the Budget was framed. The Director has not been able to base his present demand on either of these two grounds. It may be that he has distributed the allotment made in the Budget between his officers; but, when he makes a supplementary demand here, he must be in a position to inform us definitely that the provision in the Budget has been spent completely and more is needed. We ought not to pass any demand on the mere statement by the Head of the department that the provision already made had been distributed among the officers of the department. The Head of the department ought not to take advantage of the fact that this is a tame House. (*Hear, hear.*) We are not concerned with those officers; they are not before us. Those who represent the department ought to be in a position to give us the necessary information............

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I rise to a point of order. The member ought not cast aspersions on this House; I do not know if he was in order when he referred to this House as a *tame house*?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I did not mean it as any aspersion.

Unless the Head of the department is in a position to give us definite information as to what has become of the provision in the Budget, I do not think we would be justified in giving our assent to the demand. I therefore oppose it

MR. K. GEORGE (*Chief Secretary to Government*): I think I can remove the misapprehension of Mr. K. P. Nilakanta Pillai. He referred to the Budget provision of Rs. 28,000. There are other provisions under various other heads also for Vernacular High Schools and middle and primary schools for boys and girls. The allotment in the Budget was distributed by the Director to the Inspector and Inspectress; and they have now reported to the Director that the money given them has proved to be inadequate and that more money is needed to carry on the necessary construction and repairs during the course of the year. The Director in turn reported to Government that more money was needed for construction and repairs including thatching and white-washing and various other minor items of work. There are thousands of schools in the State.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): And more of them have been thatched or white-washed?

MR. K. GEORGE (*Chief Secretary to Government*): There are some which have yet to be attended to. The demand made by the Director in the beginning of the year was reduced by Government as a measure of retrenchment, and the Director has naturally, found the allotment inadequate.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I may draw the attention of the Chief Secretary to the fact that the allotment for 1107 was only Rs. 30,000.

MR. K. GEORGE (*Chief Secretary to Government*): The member is referring to one item only In 1107, the actual expenditure under this head amounted to Rs. 35,493, and the Director has been repeatedly protesting against the cuts made by the Government, and pointing out that they would ultimately have to regret it.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): പൊററി കൺസ്ട്രക്ഷൻ ജോലികൾ ഗവൺമെന്റു ഏററുവാങ്ങിച്ചശേഷം റൂഫിംഗ് പോയാൽ ആ ചിലവുകൾകൂടി ഇതിൽ ഉൾപ്പെടുമൊ?

MR. K. GEORGE (*Chief Secretary to Government*): It might, if the estimate for repair is within the amount that could be sanctioned by the Director, that is, if it is within Rs. 1,000.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഇതിൽ ഉദ്ദേശിച്ചിരിക്കുന്നതു ഏതെല്ലാമാണെന്നുള്ളതിന്റെ ലിസ്റ്റു ഉണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): It has been actually found and reported by the Inspector and Inspectress that the amounts given them were inadequate for the purpose.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ജനങ്ങൾ കെട്ടിടംപണിയിച്ചു ഗവൺമെന്റിനെ ഏല്പിച്ചശേഷം അററകുററം വന്നതിനാൽ വീണ്ടും കെട്ടിടം പണിയിച്ചു തരണമെന്നു ജനങ്ങളോട് ആവശ്യപ്പെട്ടതായി അറിയാമൊ?

MR. K. GEORGE (*Chief Secretary to Government*): I am not aware.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): കെട്ടിടങ്ങൾ ഗവൺമെന്റു ഏറെറടുത്തു ഗവൺമെന്റാധീനത്തിൽ ഇരിക്കുന്നകാലത്തു അവയ്ക്കു കേടുവന്നാൽ അവയെ ഗവൺമെന്റിൽനിന്നും നന്നാക്കികൊടുക്കണമെന്നുള്ളതു അറിഞ്ഞുകൂട എന്നാണൊ ഞാൻ ഇതിൽനിന്നും മനസ്സിലാക്കേണ്ടതു?

MR. K. GEORGE (*Chief Secretary to Government*): Occasionally that is being done because of the lack of funds with Government, but that is not the matter now before us.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): പൊററി കൺസ്ട്രക്ഷൻ വേലകൾക്കു ആവശ്യപ്പെട്ടിരിക്കുന്ന പതിനായിരത്തി എഴുനൂറു രൂപായിൽ കേടുവന്ന കെട്ടിടങ്ങൾ നന്നാക്കുക എന്നുള്ള സംഗതി ഉൾപ്പെടുകയില്ല എന്നല്ലെ ഇതിൽനിന്നും വിചാരിക്കുവാൻ ന്യായം കാണുന്നതു്?

MR. K. GEORGE (*Chief Secretary to Government*): That is not a matter for *me* to answer.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the member be pleased to tell us the exact amount the Director asked for before the Budget was prepared?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Rs. 52,000 for boys' schools and Rs. 11,000 for girls' schools.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Who was responsible for cutting it down?

MR. K. GEORGE (*Chief Secretary to Government*): The Government are prepared to take that responsibility.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was it only a blind cut that the Government made, or did they consider the circumstances, before making the cut?

MR. K. GEORGE (*Chief Secretary to Government*): The Financial Secretary recommended the cut for financial reasons, and Government accepted it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So, the Financial Secretary recommended that, for a demand of Rs. 63,000 and odd a paltry sum of Rs. 27,000 alone need be sanctioned?

MR. R. NILAKANTA PILLAI (*Financial Secretory to Government*): The total amount allowed is Rs. 57,000 and odd.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then the cut is only Rs. 5,000. Then, why does the Director ask for Rs. 10,000 now?

MR. K. GEORGE (*Chief S cretary to Government*): I am not in a position to answer that question, Sir. I have nothing more to add.

MR. E. G. MCALPINE (*Director of Public Instruction*): I shall explain, Sir. In my demand for 1107 also, an amount of Rs. 5.000 was cut by the Government; and with that and the cut made in 1108, the deficiency amounts to Rs. 10,700.

MR. A. THANU PILLAI (*Trivandrum*): What was the allotment for 1106?

MR. E. G. MCALPINE (*Director of Public Instruction*): I am sorry I have not got the figure now.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I find from the Budget that the expenditure in 1106 was Rs. 69,000 and odd. It was considerably

[Mr. A. Thanu Pillai.]

cut down in 1107. and further in 1108 also. With the Rs. 10,700 now asked for, the total amount would come to Rs. 68,000 and odd, very nearly the amount spent in 1106. I should therefore be sorry if this demand is not allowed by the House; because it is a matter affecting not only the well-being, but, the very lives of our children.

But, one thing I must say, the money allotted does not seem to be well spent so that some of the school houses actually come down causing the death of innocent children.

It is in large measure due to the fact that this money is not properly and fully spent for the purpose for which it is to be made use of, I drew the attention of the Government more than once to the extreme necessity of taking steps to see that these buildings are kept in good order. Some of the school buildings are not well thatched. That is just the reason why they come down. Many of the school buildings are of mud walls. There are dwelling houses with mud walls lasting for a century. Why should these schools come down five or six years after they are built I myself was responsible in some measure for the putting up of two buildings at Perukadai—one for girls and the other for boys and these were handed over to Government. Five years later they came down. If they were in our possession, they would have remained for a century or at least half a century. But these buildings are now nowhere. Why? Because thatching was not done in time and properly. This is a matter on which the Director of Public Instruction should particularly bestow his attention. Once at Quilon a school building came down; I am not sure whether it was a departmental building. Last year another school building at Nedumangad—departmental or aided—came down. The departmental school buildings are in no way better and if no departmental school buildings have come down and caused the loss of life of our boys, it is only a chance. It may happen any day. That is how these buildings are maintained by the Headmasters. I do not know if Assistant Inspectors are responsible for this and to what extent. It is a matter of common knowledge that these buildings are not thatched in time; that ought to be done before the monsoon. The Director says that owing to heavy monsoons in the year this was not done.

I cannot agree. I think we ought to spend more money; the Director should see that the money is well spent and that the buildings are thatched in time. He can issue a general order that the departmental schools should be thatched before the end of Makarom and a report received to that effect in his office. That may be good direction.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the member be satisfied with that report?

MR. A. THANU PILLAI (*Trivandrum*): A report means a record of what took place and not mere correspondence. There may be things recorded on paper but do not prove to be facts. There should be more scrutiny by responsible officers.

DEPUTY PRESIDENT: Your time is up.

MR. S. KRISHNA PILLAI (*Karunagapalli*): In regard to this demand one thing that has to be observed is that the Director of Public Instruction started with an excuse that this was necessitated under the existing Standing Order and for the simple reason that there was unexpected monsoon in 1107 and that was a factor which could not be taken into account at the time when the Budget was presented.

MR. E. G. MCALPINE (*Director of Public Instruction*): That is only a subsidiary factor and that is not the reason at all. But it is a fact that has to be noted.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then I should correct my statement. I thought it was one which should guide or induce this House to grant the demand that he has asked for. I am sorry that that statement is irrelevant, when this demand for Rs. 10,000 is made. If that statement is not made I am quite certain that this demand would not have fallen under Section 12 (1) of the Standing Orders. He said that the unprecedented rains of 1107 contributed largely for the present situation. It was therefore I asked him whether the amount that he demanded in 1107 was not granted and whether this amount included any additional amount necessitated by the new situation. From the answer he has been giving us, we find it does not arise out of any such contingency. It came about on account of the cut to the extent of Rs. 5,000 made by the Financial Secretary at the time the departmental budget was sent up. It was then explained that the amount sanctioned for 1106 could not be spent in 1107 and that had lapsed. Therefore this demand for Rs. 10,000 is now made. That is how I have understood the situation. Sir, the Financial Secretary when presenting the Budget towards the close of 1107 and also in 1106 made a very broad statement that under various heads, he had reduced the allotment for one reason, that is owing to economic depression the price of articles had gone down, cost of labour had gone down, and therefore what was needed in 1105 would not be required in 1106. That argument was advanced with greater force in 1107 and we find even non-official members of this House have to travel at a cheaper rate from place to place. The railway people have not reduced the cost of tickets and the bandymen and cartmen never claimed less than what they did in previous years. We accepted it as a matter of principle. Owing to economic depression there was a general fall in in the price of articles and in the cost of labour. If this is the principle that should be applied so far as Government are concerned in regard to everything I ask why not that principle be accepted by Government on this.

[Mr. S. Krishna Pillai.]

In regard to this claim for Rs. 10,700, the Director of Public Instruction claimed Rs. 50,000 in 1107. He has not stated that it was an unprecedented claim after the presentation of the Budget. If that is so I would ask whether with the full claim that he has made of Rs. 50,000 he could not be in a position to do more work than he had already anticipated. I am certain that the Financial Secretary would stand up and say that the Director must certainly be in a position to get completed at least 25 per cent of the work more than he hoped to achieve by the claim that he has now made when the scheme was sent up. I therefore oppose this demand.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഡിപ്പാർട്ടുമെൻറ് വകയായ പല സ്കൂളുകളും ഓരോ കൊല്ലംതോറും ഇടിഞ്ഞുവീഴുകയാണു ചെയ്തുവരുന്നതു്. അതിലേക്കു കൂടുതൽ സംഖ്യ ആണ്ടുതോറും അനുവദിച്ചുകൊടുക്കുന്നുമുണ്ട്. ഈ സംഖ്യകൾ ചിലവാക്കുന്നതിൽ ചില കുഴപ്പങ്ങൾ ഉണ്ട്. സാധാരണയായി കെട്ടിമേച്ചിലിനുള്ള സംഖ്യ ഹെഡ്മാസ്റ്റർമാരെയാണു ഏല്പിച്ചുവരുന്നതു്. അവർ കുട്ടികളുടെ വീടുകളിൽനിന്ന് വയ്ക്കോലുംമററും കൊണ്ടുവന്നാണു മേച്ചിൽ നടത്തുന്നതു്. ഈ മേച്ചിൽനടത്തുന്നതിനു ടെൻഡർകൊടുത്തു അവരെക്കൊണ്ടു നടത്തിക്കുന്നതു നന്നായിരിക്കുമെന്നു തോന്നുന്നു. ഹെഡ്മാസ്റ്റരുടെ ചുമതലയിൽ നടത്തുന്ന മേച്ചിൽ ആയതുകൊണ്ടു അതു നിമിത്തമുണ്ടാകുന്ന ദൂഷ്യങ്ങളെപ്പററി ഹെഡ്മാസ്റ്റർ റിപ്പോർട്ടു ചെയ്കയില്ലെന്നുള്ളതു് നിശ്ചയമാണു. ടെൻഡർകൊടുത്തു് അവരെക്കൊണ്ടു മേച്ചിൽ നടത്തിയാൽ അതുകൊണ്ടു വല്ല ദൂഷ്യവും കാണുന്നു എങ്കിൽ ഹെഡ്മാസ്റ്റർ ഉടൻതന്നെ റിപ്പോർട്ടുചെയ്കയും ചെയ്യുന്നതാണ്. ആലുവാ സ്കൂളിൽ ഇൻസ്പെക്ടർ ഒപ്പായി പരിശോധിച്ചതുകൊണ്ടു അവിടെ കുട്ടികൾ നനയാതിരിക്കുന്നു. മററു പല സ്ഥലത്തും ഉള്ള സ്കൂളുകളിലെ കുട്ടികൾ മഴ മുഴുവനും നനയുന്നു. അതിനാൽ ഗവൺമെൻറു ഈ സംഗതിയിൽ വേണ്ട വ്യവസ്ഥ ചെയ്യേണ്ടതാണ്. അങ്ങിനെ ഒരു വ്യവസ്ഥചെയ്തു് അററകുററപ്പെടുന്ന കെട്ടിടങ്ങളെ ഉടൻതന്നെ ഗവമ്മെൻറിൽനിന്നും നന്നാക്കാമെന്നു വിചാരിക്കുന്നു എങ്കിൽ ഞാൻ ഈ ഉപക്ഷേപത്തെ പ്രസ്സുചെയ്യുന്നില്ല. അങ്ങിനെ വിചാരിക്കുന്നില്ലെങ്കിൽ ഞാൻ ഇതിനെ പ്രസ്സുചെയ്യുന്നു.

DEPUTY PRESIDENT: You do not press it, I believe?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ജനങ്ങൾ കെട്ടിടം കെട്ടി ഗവണ്മെൻറിലേക്കു വിട്ടുകൊടുത്തശേഷം അതിനു അററകുററം ഉണ്ടായാൽ വീണ്ടും ജനങ്ങൾതന്നെ നന്നാക്കികൊടുക്കണമെന്നും അല്ലെങ്കിൽ സ്കൂൾ നിറുത്തിക്കളയുമെന്നും പറഞ്ഞു ഭീഷണിപ്പെടുത്തിവരുന്നു. അററകുററമുള്ള കെട്ടിടങ്ങളെ ഗവമ്മെൻറു നന്നാക്കി എടുക്കുമെങ്കിൽ ഞാൻ ഇതിനെ പ്രസ്സ് ചെയ്യുന്നില്ല. അല്ലെങ്കിൽ പ്രസ്സ് ചെയ്യുന്നു.

ചീഫ് സിക്രട്ടറി ഇതിനു മറുപടി സൂത്രത്തിൽ പറഞ്ഞുകളഞ്ഞു.

DEPUTY PRESIDENT : I think he was satisfied with the Director's explanation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What he said was that he could not withdraw the motion without some assurance from Government.

MR. E. G. MCALPINE (*Director of Public Instruction*): I am glad every Hon'ble member on the other side admits the necessity for the grant relating to repairs and petty construction to Vernacular Schools. All of them said that buildings should be kept in proper condition. As far as possible, buildings are properly attended to in time, not during monsoons, but before that. There is a separate P. W. D. officer for that who looks after repairs.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikappalli*) : The question is whether the Government will promptly attend to the repairs of the schools and see that they are kept in proper condition.

MR. E. G. MCALPINE (*Director of Public Instruction*) : I can only say that I will do my best in the matter.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഈ ഉപക്ഷേപത്തെ പിൻവലിക്കുന്നു.

The motion was, by leave of the House, withdrawn.

DEPUTY PRESIDENT : Does anybody want to speak on item No. 2? It relates to appointment of additional teachers in Vernacular Schools for boys and girls, Rs. 4,000.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ആൺപള്ളിക്കൂടങ്ങളിലും പെൺപള്ളിക്കൂടങ്ങളിലുമായി കൂടുതൽ അദ്ധ്യാപകന്മാരെ നിയമിക്കുന്നതിലേക്കു ആവശ്യപ്പെട്ടിരിക്കുന്ന ൪,൦൦൦ രൂപായിൽ നിന്നും ഒരു രൂപാ കുറയ്ക്കണമെന്നുള്ള എൻെറ ഉപക്ഷേപത്തെ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു. ഇപ്പോൾ കൂടുതലായി അദ്ധ്യാപകന്മാരെ നിയമിക്കേണ്ടയാവശ്യമില്ല.

DEPUTY PRESIDENT : ഇതു കൂടുതൽ അദ്ധ്യാപകന്മാരെ നിയമിക്കുന്നതിനല്ല. നാലു സ്ഥലങ്ങളിലായി സ്ഥാപിക്കുവാൻ പോകുന്ന ട്രെയിനിംഗ് സ്കൂളിലേക്കു അല്ലേ ഈ ൪,൦൦൦ രൂപാ ആവശ്യപ്പെട്ടിരിക്കുന്നതു്?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : അല്ല. ൪,൦൦൦ രൂപാ കൂടുതൽ വാദ്ധ്യാന്മാരെ നിയമിക്കുന്നതിനുതന്നെയാണ്. ആൺകുട്ടികളുടേയും പെൺകുട്ടികളുടേയും പള്ളിക്കൂടങ്ങൾ ഉള്ളതിൽ ക്രമം കൊണ്ടു ആൺപള്ളിക്കൂടം മാത്രമായിതീരുന്നതാണ്. പെൺപള്ളിക്കൂടങ്ങളിൽ കുട്ടികൾ ഉണ്ടെങ്കിലല്ലേ വാദ്ധ്യാന്മാരുടെ ആവശ്യം ഉണ്ടാകുകയുള്ളു?

MR. P. S. MAHOMED (*Nominated*) : കൂടുതൽ വാദ്ധ്യാന്മാർ വേണ്ടെന്ന് എങ്ങിനെ അറിയാം?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : പെൺകുട്ടികൾ ക്രമേണ കുറഞ്ഞുവരുന്നതാണ്. സ്ക്കൂൾവർഷത്തിന്റെ മദ്ധ്യത്തിൽവച്ചു ഫീസു കൂട്ടിയതുകൊണ്ടാണ് അധികംപേരും ഇതുവരെ സ്ക്കൂൾ വിട്ടു പോകാതിരുന്നിട്ടുള്ളതു. അതിനെപ്പറ്റി കഴിഞ്ഞ കൌൺസിലിൽ പ്രസ്താവിച്ചപ്പോൾ പുനരാലോചന ചെയ്യാമെന്നു പറഞ്ഞു പല സ്ക്കൂളുകളിലേക്കും ഡയറക്ടർ എഴുതി അയച്ചിട്ടുള്ളതായും അറിയുന്നുണ്ട്. എങ്കിലും ഇതുവരെ അതിനെ സംബന്ധിച്ചു ഒരു ഫൈനൽ ആർഡർ വന്നിട്ടില്ല. പെൺകുട്ടികൾ ക്രമേണ കുറയും. അടുത്ത കൊല്ലത്തിൽ വളരെ കുറയും. പെൺകുട്ടികൾ ധാരാളം ഉണ്ടെങ്കിലല്ലേ കൂടുതൽ വാദ്ധ്യാന്മാരുടെ ആവശ്യമുള്ളു. കുട്ടികൾ ഇല്ലെങ്കിൽ അതിന്റെ ആവശ്യമില്ലല്ലോ.

MR. K. GEORGE (*Chief Secretary to Government*) : പ്രൈമറിസ്ക്കൂളുകളിൽ ഫീസ് കൂട്ടിയിട്ടുണ്ടോ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഇല്ല.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): വർണ്ണാക്യുലർ സ്ക്കൂളുകളുടെ ആവശ്യത്തിലേക്കാണ് ഇപ്പോൾ ചോദിച്ചിരിക്കുന്നതു്.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : മലയാളം സ്ക്കൂളുകളിൽ പഠിച്ചിട്ടു് ഇംഗ്ലീഷ് സ്ക്കൂളിലാണ് പോകുന്നതു്.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*) : മലയാളം സ്ക്കൂളുകളിൽ മാത്രം പഠിപ്പിക്കുന്നവരും ഇല്ലേ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : അങ്ങിനെയും ഉണ്ടു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*). One word in support of this motion. In the matter of appointing these teachers Government lose sight of one important fact. There are a large number of grant-in-aid school teachers in Travancore and when appointments are made it

is extremely regretable that the claims of these teachers are never taken into consideration. Resolutions have been passed throughout the country that their claims are not being considered by the Director of Public Instruction or by the officer in charge of making these appointments. Therefore, they are now pressing their claims forward. I draw the pointed attention of Government that when future appointments are made, their claims should be considered. Here is a question of appointing additional teachers for these Vernacular Schools coming up and when this question is considered, I suppose Government will take into consideration the claims of grant-in-aid teachers. Especially, there is a notorious rule relating to the acting list of teachers who have acted between the years 1100 and 1103. That appears to be an inexhaustible list every time. If any person sends up a petition to the authorities concerned in charge of appointments he is told that the list remains without solution If this is the way that appointments are made, I am against any such concession being granted to the Director of Public Instruction or his subordinates who are in charge of this work.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Am I to take it that those who have served in 1103 are included in the list or not?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Those who have been acting between 1100 and 1103 are said to be given preference. But no amount of preference appears to exhaust the list. Therefore, my impression is that that is not a very correct excuse. But it is only a plea put forward by them for refusing some applicants and for entertaining some others.

MR. E. G. MCALPINE (*Director of Public Instruction*): I wish to offer a word of explanation in this connection. There are more than 1600 claimants out of which 700 of them have been provided. The rules I have enunciated in the matter of recruiting acting teachers are beings trictly followed by my subordinates. I take strong exception to the statements of Mr. S. Krishna Pillai.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Only when the time comes. I shall certainly be the first citizen in the State to feel glad to be able to state that the Education Department is beyond all corruption or impeachment or mistake. I shall certainly take exception to any statement being made against that department from the moment I happen to learn that everything that is done there is beyond reproach. Until then I am sorry that, as a member of this House is entitled to point out that in spite of the extreme regard of the Director of Public Instruction, I have to state there may be loopholes which might be resorted to by any subordinates of Mr. MacAlpine. If he says it gives him a shock to hear that these rules are being violated I must take the earliest opportunity to give him a warning and call upon him to institute a prompt enquiry into that matter instead of standing up and protesting

[Mr. S. Krisha Pillai.]

against a statement made by a member. It would be consistent and in keeping with a sound policy to take notice of the statements made here and then institute proper enquiries. Then, it will be time for him to stand up and say "look here. I took notice of a member's statement the other day. I enquired into it and found that that statement was not correct."

Without doing all that, he should not get bristled up because a member has stated real facts and then come out with an empty statement that due recognition is given to acting teachers in the matter of appointments. That position I do not accept. I would certainly press on the attention of the Government that the claims of the grant-in-aid school teachers, claims of thousands of persons, against whom the rules are being broken for the porpose of enabling one interested person to be entertained in the department, should be given due recognition.

MR. M. N. NARAYANA MENON (*Kottayam*): സർ, മി. കൃഷ്ണപിള്ള പ്രസ്താവിച്ച അഭിപ്രായത്തോടു ഞാനും യോജിക്കുന്നു. ഗ്രാൻറുസ്കൂളുകളിൽ അനേകായിരം അദ്ധ്യാപകന്മാർ അവരുടെ ആയുസ്സിൻെറ ഏറിയഭാഗവും വിനിയോഗിച്ചു ജോലിചെയ്തു കഷ്ടപ്പെട്ടിട്ടും അവക്കു യാതൊരു ആനുകൂല്യവും ചെയ്യുന്നില്ല. ഇവക്കു ഗവൺമെൻറു സ്കൂളുകളിൽ പ്രവേശിക്കുന്നതിനു ഗവൺമെൻറിൻെറ ഒരു റൂളിംഗ് തടസ്സമായിട്ടിരിക്കുന്നു. ആറിനും, ആറിമൂന്നിനും മദ്ധ്യേ ഗവൺമെൻറിൽ നിന്നും പുറപ്പെടുവിച്ചിട്ടുള്ള ആ സക്കുലർ "ഗവൺമെൻറു പള്ളിക്കൂടങ്ങളിൽ ഒരു മാസമൊ, ഒരു ദിവസമൊ, ഒരു നിമിഷമൊ എങ്കിലും ജോലിചെയ്തിട്ടുള്ളവക്കേ ഗവൺമെൻറ് സ്കൂളുകളിൽ ജോലികൊടുക്കുകയൊള്ളു" എന്നാണ്. ൧൧൦൬-നുമുൻപ് പരീക്ഷയിൽ പാസായി ഗവൺമെൻറുസർവ്വീസിൽ പ്രവേശിച്ചിട്ടുള്ളവക്കൊന്നും കൊടുക്കാൻ പാടില്ലാ എന്നുള്ള അബദ്ധമായ ഗവൺമെൻറുത്തരവിനെ ഇനിയും വച്ചുകൊണ്ടിരിക്കുന്നതിനെക്കാറം വലുതായ ഒരബദ്ധം ഗവൺമെൻറിനൊ വിദ്യാഭ്യാസഡിപ്പാർട്ടുമെൻറിനൊ വേറെ കാണാൻ സാധിക്കുന്നതല്ല. അതിനാൽ ഈ സക്കുലറിനെ ഭേദപ്പെടുത്തേണ്ടതു് എത്രയും അത്യാവശ്യമാണ്. ഇത്രയും പ്രസ്താവിച്ചുകൊണ്ടു് മി. കൃഷ്ണപിള്ളയുടെ അഭിപ്രായത്തോടു യോജിച്ചുകൊള്ളുന്നു.

MR. P. S. MAHOMED (*Nominated*) : ഈ കൌൺസിലിൽ നിയമനത്തെ സംബന്ധിച്ച് എന്തെങ്കിലും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. എങ്കിലും മി. കൃഷ്ണപിള്ള പ്രസ്താവിച്ചപ്രകാരം, ഇപ്പോഴത്തെ ആക്ടിംഗ ലിസ്റ്റിലുള്ള പലരേയും ദ്രോഹിക്കുന്നു എന്നുള്ളതു് എ;

റവും പരമാത്ഥമാണെന്നു പറയാതിരിക്കാൻ നിവൃത്തിയില്ല. മി. കൃഷ്ണപിള്ള പറഞ്ഞപ്രകാരം ഇന്നത്തെ ഗ്രാൻറുസ്കൂളിൽ ഉള്ള വാദ്ധ്യാന്മാരെ ഉപദ്രവിക്കുന്നതിനേക്കാൾ കൂടുതലായി നിർഭാഗ്യവശാൽ ഗ്രാൻറുസ്കൂളുകളിലും ഡിപ്പാർട്ടുമെൻറ് സ്കൂളുകളിലും പ്രവേശിക്കാൻ നിവൃത്തിയില്ലാതെ പരീക്ഷയും പാസായി കഷ്ടപ്പെടുന്നവരായ താഴ്ന്ന ചില സമുദായങ്ങളിൽപെട്ടിട്ടുള്ളവരെയാണ് ഗവണ്മെൻറിൻെറ ഈ നിയമം അധികമായി ബാധിച്ചിരിക്കുന്നതു്. അതിനാൽ ഗ്രാൻറുസ്കൂളുകളിൽ ഇവരെ നിയമിക്കണം എന്നുള്ളതിനെപ്പററിയാണു ഞാൻ പറയുന്നതു്. ഗ്രാൻറ് സ്കൂളുകളിലുംഗവണ്മെൻറ് സ്കൂളുകളിലും പ്രവേശിക്കാൻ നിവൃത്തിയില്ലാത്തവരായ ഒരു വലിയ ഭാഗം ആളുകൾ വെളിയിൽ നിൽപുണ്ടു്. അതിനാൽ അവരുടെ കാര്യംകൂടി ശ്രദ്ധിച്ചുപ്രവർത്തിക്കണമെന്നു പ്രസ്താവിച്ചുകൊണ്ടു വിരമിക്കുന്നു.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I do not find any way to support the motion brought forward for not granting this amount. Some of my friends have not made out a case to show that additional teachers are not necessary. This year the total strengh of the schools has gone up considerably in spite of the economic depression. Most of the boys are the sons of poor parents. Even the primary education they get is not imparted properly. If it is not so done, it would be only a waste of money by the State. So, the number of teachers that are necessary for running these schools should be appointed and proper steps taken to see that schools are couducted properly. I find that in most cases, even if they are properly conducted, the sort of education given now is not done on well established lines. Even for imparting satisfactory education, proper number of teachers should be employed in schools. Otherwise, there will be only confusion worse confounded. So, I think the demand made by the Director of Public Instruction ought to be granted.

In regard to appointment of teachers, I think the sound rule to be adopted in schools is to appoint most efficient men and not go in for any communal representation.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Does the member say that the claims of acting teachers should be discarded?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Even the best teacher who has not been in service for a short time, will not be a good teacher. The most efficient men alone should be selected as teachers.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is the member's opinion in regard to appointment of teachers in grant-in-aid schools?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Being a teacher in a private school I have my own opinions's in the matter.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is that may I know?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : It is good for Government to entertain the teachers of grant-in-aid schools in Government schools when occasion arises, and it will be a stepping stone to Government service. This step on the part of Government will give greater enthusiasm to private school teachers.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Will not the private schools lose experienced teachers then ?

DEPUTY PRESIDENT : That is not relevant to the point.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): New teachers are to be appointed; so, it is likely that teachers from private schools may be preferred. So, I think the question I have asked deserves an answer.

DEPUTY PRESIDENT : The discussion must be confined to the question as to whether there is necessity for additional teachers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I am again confronted with the same difficulty. Here is a demand for appointing some new teachers. That is all the information before the House. How many men teachers are to be appointed we do not know. How many lady teachers are to be appointed, we do not know. How the necessity arose at this part of the year for appointing new teachers, we do not know. As a matter of fact, that there is an absolute necessity has to be made out. Then the questien arises, how did the Education Department carry on its work till now? Now, almost two-thirds of the school year are over and schools are to be closed for the Christmas vacation a few days hence and then they will be re-opened. After that, there are only two months more when the students are to close their study. That is the way in which administration is being carried on. When this demand is brought before the House the Director may say that it goes without saying that a necessity has been felt for more teachers. I ask the question, how, without the required number of teachers, education was carried on till now. Nobody can gainsay the question that schools are not properly equipped or that they are understaffed.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Is not the member aware that more students are admitted in a class now ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That may be, due to inadequacy of teachers in a particular school. If more teachers are to be newly employed, I put the question, how were the pupils instructed up to the present moment. We were listening to various tales told during the sessions of the Legislative Council of which one is that results in certain schools were nil. Now there is a motion asking for more accommodation and more staff. Even after all these are granted, sometimes results become absolutely nil in particular schools and when we question that, there is nobody to listen to that. If there was any defect, the responsible authorities ought to have remedied it then and there. When that defect needed to be remedied nothing has been done till now, what is the use of coming and asking for more teachers? That is the only question before the House. Therefore, my point is, if the schools were under-staffed, up to this, namely, the end of Vrischikam 1108, I do not find any necessity why new men should be entertained hereafter at least for this school year. The students must have been

imparted education till now according to particular regulation. What is it that the department is going to achieve on the one side or what is it that the pupils derive on the other, that is the question I have to put before the House. Therefore, no necessity for appointing new teachers at this part of the year has arisen. My opinion is that the Director can very well postpone these appointments to next year. In the meantime let him take note of the facts placed before the House.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Budget year begins in Chingom, but the school year comes three months before that when there is no Council for the Director to bring forward a supplementary grant. How will the member solve that difficulty?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is not my point not to help the Director. But my definite point for decision is, whether there is necessity during this part of the school year to appoint new teachers. As it seems to me, nothing will be gained either by the department or by the students.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I beg to support the view put forward by Mr. Tarakan. I have only to say two points in connection with this motion. The Retrenchment Committee recommended for the amalgamation of boys' and girls' schools in the State wherever possible. The Director of Public Instruction and the Inspectors of Vernacular and English Schools who were present at the meeting gave evidence to the effect that such amalgamation could be done. That decision was arrived at after discussing the pros and cons of the problem. The Retrenchment Committee had only two days to discuss about this department which consumes nearly 45 lakhs of rupees every year. The Committee agreed to amalgamation of schools, by which a saving could be effected easily. If this had been given effect to, there could be reduction in the number of teachers, at least to the extent of 10 per cent.

Then there is another important suggestion and that is the conversion of departmental schools into non-departmental ones. That has been the cherished policy of Government. If that had been given effect to, in my opinion, something like 25 per cent. by way of savings could be shown. On these two grounds, I strongly state there is no necessity for appointing additional teachers.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Where is it stated by Government that its cherished policy is conversion of departmental schools?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): In the Administration Report for 1107.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the member a copy of the Administration Report for 1107?

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): There is in the Administration Report a statement to that effect. I know instances where many individuals approached Government for starting schools and they were given the reply that such a scheme is under the consideration of Government. It is stated in the Report for 1106, I made

[Mr. K. Narayanaperumal Nadar.]

a mistake in saying that it was in the Report for 1107 and it will take some more time to issue. With these observations, I oppose the demand brought forward by the Director of Public Instruction.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I also beg to support the motion brought forward by Mr. Tarakan. Mr. Gopalakrishna Pillai told us that those who opposed the demand brought by the Director of Public Instruction had not given the reason why additional number of teachers is not necessary. I would put one question and that is whether the Director has made out a case for the appointment of additional teachers. He has not explained to the House how the necessity arose for the additional teachers and if so how many should be appointed. On the other hand, the present policy of the department seems to be to amalgamate at least primary girls' and boys' schools. In pursuance of that policy, there is some correspondence going on for amalgamating at least certain schools in our taluk. I know as a matter of fact, in my own constituency, correspondence is going on for amalgamating primary schools of boys and girls. As a consequence of such amalgamation, it is possible that a number of teachers may be put out of employment. Such being the case I ask where is the pressing necessity for appointing new teachers. I want the Director to enlighten us on the necessity for additional teachers for his department.

There are a number of teachers who have acted and who are suffering from unemployment. Their case has not been considered at all, by the Head of the Education Department.

DEPUTY PRESIDENT: Please confine your remarks to the necessity for additional teachers.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I have nothing more to say. I support the motion and oppose the demand of the Director.

MR. E. G. MCALPINE (*Director of Public Instruction*): I have nothing more to say.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഈ സംഗതിയെക്കുറിച്ചു ഗവൺമെൻറു മറുപടി എന്താണെന്നറിഞ്ഞില്ല. കൂടുതൽ വാദ്ധ്യാന്മാരെ നിയമിക്കാൻ ൫,൦൦൦ രൂപാ വേണമെന്നു ചോദിച്ചിരിക്കുന്നതല്ലാതെ എത്ര പുരുഷന്മാരെന്നോ എത്ര സ്ത്രീകളോ വേണമെന്നാണൊ ഇതിൽ തിരിച്ചുകാണിച്ചിട്ടില്ല. ആക്റ്റിംഗ് വാദ്ധ്യാന്മാരെ നിയമിക്കുന്നതിനായി ൧൧൦൩-ലും ൧൧൦൪-ലും ഒരേസംഖ്യ അനുവദിച്ചിട്ടുണ്ടു് എന്നു തോന്നുന്നു. എന്നാൽ ഇതുവരെ അവരെ സ്ഥിരപ്പെടുത്തിയതായി കാണുന്നില്ല. ആ സ്ഥിതിക്ക് ഇത്രമാത്രം വാദ്ധ്യാന്മാരുടെ ആവശ്യമെന്താണെന്നറിയുന്നില്ല. ഇപ്പോൾ ആക്റ്റിംഗായിരിക്കുന്നവരെ സ്ഥിരപ്പെടുത്തിയശേഷം കൂടുതലായി നിയമിച്ചിരുന്നു എങ്കിൽ തരക്കേടില്ലായിരുന്നു. അങ്ങിനെ ചെയ്യാതെ വാൽനക്ഷത്രത്തിൻെറ വാലുപോലെ

ഇത്ര വളരെ ആക്ടിങ്കാരെ വർദ്ധിപ്പിക്കുകയും അവരെസ്ഥിരപ്പെടുത്തുന്നതിന് ഇത്ര വളരെ സമയം നീട്ടിക്കൊണ്ടുപോകുകയും ചെയ്യുന്നതു എന്തിനാണ്

DEPUTY PRESIDENT: കൂടുതലായി വാദ്ധ്യാന്മാർ ആവശ്യമുണ്ടോ ഇല്ലയൊ എന്ന് നോക്കീട്ടാണ കൂടുതൽ ആവശ്യമുണ്ടെന്നു പറയുന്നതു്.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഇതിനുമുമ്പു നിയമിച്ചിട്ടുള്ളവരെ ഇനിയും സ്ഥിരപ്പെടുത്തിയിട്ടില്ലല്ലൊ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): കൂടുതൽവാദ്ധ്യാന്മാരെ ആവശ്യപ്പെടുന്നതു പഴയ പള്ളിക്കൂടങ്ങളിലേക്കാണൊ പുതിയ പള്ളിക്കൂടങ്ങളിലേക്കാണൊ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഏതിലേക്കാണെന്നു മനസ്സിലാകുന്നില്ല.

MR. TARIATUKUNJITOMMAN (*Commerce and Industry, North*): ഡയറക്ടർക്ക് ഒന്നും പറയാനില്ലെന്നു പറഞ്ഞാലും പറയണമെന്നാണൊ പറയുന്നതു?

DEPUTY PRESIDENT: Mr. McAlpine, some of the members want to know whether these additional teachers are for old schools or for schools to be newly established.

MR. E. G. MCALPINE (*Director of Public Instruction*): They are intended to do away with the difficulty of having 85 or 92 children in one class. It is impossible to estimate at the beginning of the year how many children will come into any particular class. You may have fifty-five in one year and sixty-five in the next year. It is only after a month or two has passed after the re-opening that it will be possible to know what additional teachers may be needed. The allotment for this year was cut down and that is another ground on which I move for a supplementary demand. One member, I think, raised the point that we are at the end of the official school year.

MR. A. THANU PILLAI (*Trivandrum*): Can the Director give me some definite idea as to what classes these teachers are for?

MR. E. G. MCALPINE (*Director of Public Instruction*): The Inspectors start with a list of class divisions. In order to have classes of average size they divide the classes. In a certain school there may be 85 children while in another school there may be 94. In those cases additional teachers will be necessary. It depends on the numerical strength and the money at their disposal. They take the worst cases and sub-divide the classes into divisions. The whole thing is a question of numercial strength.

MR. A. THANU PILLAI (*Trivandrum*): Does not the Director propose to give a definite number of teachers to the Inspectress and another number to the Inspector? I want to know how many he is giving to each of them?

MR. E. G. MCALPINE (*Director of Public Instruction*): Out of the amount of grant I get, I give money to the Inspector and Inspectress in proportion to the number of schools under them. Naturally the Inspector of Vernacular schools who has got more schools than the other gets more than the other Inspectors.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member in a position to say the proportion in which he proposes to divide this?

MR. E. G. MCALPINE (*Director of Public Instruction*): I am not in a position to say that.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Director does not get a report from the Inspectress and the Inspector as to the number of teachers he or she requires? Have not the Inspectress and the Inspector stated the number of women teachers and men teachers they require?

MR. E. G. MCALPINE (*Director of Public Instruction*): They do not put their demands in that way. They put their demands in the form of rupees.

DEPUTY PRESIDENT; Is it not the demand made by reason of the increase in the number of pupils in the various schools?

MR. E. G. MCALPINE (*Director of Public Instruction*): They simply say that from their lists of pupils, who are in excess of what is regarded as a reasonable number, they will require so much money in order to reduce the number of pupils and increase the number of classes. So that, if you give Rs. 5,000, I can appoint more teachers and have more divisions. It is purely a question of rupees, annas, pies. They put it in the form of money and not of teachers If they are given a certain amount of money and when the average for a class is exceeded

DEPUTY PRESIDENT: Is it not the intention of the Director to make the allocation of funds rateably to the needs of the Inspector and Inspectress according to the increase in the pupils under them?

MR. E. G. MCALPINE (*Director of Public Instruction*): Certainly so, I could not allocate that on any other principles.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Have they now prescribed any minimum strength for the pupils in the lower classes?

MR. E. G. MCALPINE (*Director of Public Instruction*): It is fixed but it is in many cases impossible to observe.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Is there any maximum?

MR. E. G. MCALPINE (*Director of Public Instruction*): As a matter of fact, it is the maximum that is fixed.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Will additional students be taken into the same class?

MR. E. G. MCALPINE (*Director of Public Instruction*): That is the reason why this grant is applied for. If there is money, the inspectors can appoint extra teachers. If there is no money they cannot.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): May I know whether, in spite of the maximum fixed, students are being taken beyond that maximum ?

MR. E. G. MCALPINE (*Director of Public Instruction*): Yes, I have stated that there are 92 and 94 students in one class. Obviously that is a large number.

MR. A. THANU PILLAI (*Trivandrum*): I wish to get some information. In view of this supplementary demand, I thought that the Director would have been able to give us the number of teachers he would appoint. At the time of the original Budget, he might have said that he did not know the number of teachers he would require and that only after knowing the number of pupils who would seek admission he would be able to give the number of teachers in the whole State. I think he wants to increase the number of teachers in some of the schools. So, the Director must be in a position to tell us the number of teachers that he is going to appoint. He must tell us in which schools these teachers are going to be appointed and give us other necessary information. Otherwise how are we to vote for the demand ?

MR. E. G. MCALPINE (*Director of Public Instruction*): It is only a question of arithmetic. A teacher is paid Rs. 15 a month. If you divide this sum by Rs. 15 you get the number of teachers. And they are intended only for a portion of the year. I cannot say that that makes any great difference. I have already told the House that this matter of the number of teachers is not relevant to the discussion. If you get Rs. 1,000 you can reduce the number of pupils in a class to a certain extent? If you get Rs. 5,000 you can reduce that number still further.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): I withdraw the motion.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, I oppose the withdrawal.

The question was put and leave was granted for withdrawal.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I oppose the whole demand.

MR. A. THANU PILLAI (*Trivandrum*): Sir, are we to discuss the whole demand of four items ?

DEPUTY PRESIDENT: Two items have already been discussed. I think members would do well to confine their remarks to the other two items which have not been discussed. It is only to allow the members to discuss the other items that this invitation is made.

MR. A. THANU PILLAI (*Trivandrum*): Are we debarred even from referring to those items? Only token motions were discussed.

DEPUTY PRESIDENT: In the course of that, remarks were made with reference to the whole item and I think we have had a discussion. I cannot allow it again unless it be that it is the sense of the House that it must be discussed again.

MR A. THANU PILLAI (*Trivandrum*): That is not how we understood it.

DEPUTY PRESIDENT: Refusal of the demand for the whole item was discussed.

MR. A. THANU PILLAI (*Trivandrum*): I want really to get some more information with regard to the Rs. 4,000.

DEPUTY PRESIDENT: Whatever doubts were felt were attempted to be cleared and the Director has given us all information that he could give us.

MR. A. THANU PILLAI (*Trivandrum*): All that he has told us is that there are more students in these classes than could properly be accommodated and so he wants Rs. 4,000.

DEPUTY PRESIDENT; I think questions have been put to him and he supplied all the information that he could.

MR. A. THANU PILLAI (*Trivandrum*): With regard to how he is going to distribute the money between the two sections of Vernacular Schools, one for the boys and the other for the girls –

MR. E. G. MCALPINE (*Director of Public Instruction*): I have not got money. Why should I distribute?

MR. A. THANU PILLAI (*Trivandrum*): Government should come and ask for Rs. 4,000 for additional teachers. We want to know how many teachers are sought to be appointed now. It may be 100, 20 or 10. How many of these are for boys' schools and how many are for girls' schools? I think we are entitled to know it. I think it is not right simply to tell us that there are more students and more money is wanted. In the Budget, I think, we have made provision for both girls' and boys' schools separately.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): No. A lump sum of Rs. 3,000.

MR. A. THANU PILLAI (*Trivandrum*): For what?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) For additional teachers.

MR. A. THANU PILLAI (*Trivandrum*): That is not what I say Provision is made for boys' and girls' schools separately in the Budget.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): So are we not entitled to know that even on the principle on which the Budget is framed? In fairness we ought to have been told how many boys' schools teachers and how many girls' schools teachers are going to be appointed. I do not understand the difficulty of the Director in giving that information. He says if money is sanctioned he will distribute it. What is his proposal in regard to distribution?

MR. E. G. MCALPINE (*Director of Public Instruction*): I am totally unable to understand the difficulty of the member or anybody in

this House. As Head of the Department I will consider the relative needs of the Inspector and the Inspectress and then allow them such and such amounts. I cannot tell at this moment what exactly is the demand they are going to make.

MR. A. THANU PILLAI (*Trivandrum*): I understand.

MR. E. G. MCALPINE (*Director of Public Instruction*): It makes no difference in individuality.

MR. A. THANU PILLAI (*Trivandrum*): In regard to lump sum allotments I consider details could not possibly be given when the Budget is framed. But in this case that is not the situation. Now classes are formed and the number of teachers is known. Now the Director comes forward with this demand and he is not in a position to give us information. The number of classes and the teachers are known now. He ought to be in a position to say that he wants how many teachers in the girls' schools and how many in the boys' schools. Suppose I ask him the question how he spends the Rs. 3,000 for contingencies, he must be in a position to tell the House. But when the Budget was framed he might not have been in a position to say. Now he must be in a position to say that. In fairness to the House he ought to give us that information. I think even on that technical plea the House should object to the grant so that he will be more careful when he comes with a demand next time.

MR. S. KRISHNA PILLAI (*Karunagapalli*): With regard to item No. (4) of the demand I have to make an observation. That amount is intended for the purpose of providing additional accommodation to three training schools. The additional accommodation that is now sought to be made in regard to at least one of these schools, I know, will be a superfluity. There is a correspondence going on between the Government and the Director of Public Instruction for the purpose of taking the Mavelikara training school out of the hands of the Education Department and handing it over to the Judicial Department for the purpose of utilising it as Court House for the oncoming Mavelikara District Court. If I am right on this point, I am certain that it will be another waste of money which Government would now be making for additional accommodation for the training school at Mavelikara. At the time when the supplementary grant was prepared the Director must have been in possession of these facts.

MR. E. G. MCALPINE (*Director of Public Instruction*): Excuse me, Sir, I received the letter of Government only on Monday of this week.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, one-fifth of my time has been taken by the Director. I must be given an extension of time. (*Laughter.*)

Therefore, Sir, from what we heard from the member we now understand that Government have brought forward definite proposals for the purpose of taking over the Mavelikara training school.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum-Kartikapalli*): The training school is not to be abolished, only the building.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I am not going to say anything about the abolition of the training school. I am at the taking of the building by the Judicial Department. If so, I do not understand what is meant by making additional accommodation for the training school.

MR. K. GEORGE (*Chief Secretary to Government*) : There is only a proposal about it ; Government have not come to a final decision on the matter.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : If Government take it up for the Judicial Department, there would be absolutely no necessity for the present demand.

MR. RAMAVARMA RAJA (*Edavagai*) : ട്രെയിനിംഗ് സ്കൂൾ എന്നൊരു കെട്ടിടം മാവേലിക്കരെ ഇല്ല. അതു് വേറെ ഒരു കെട്ടിടത്തിൽ ഇട്ടിരിക്കുന്നു.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : വേറൊരു ട്രെയിനിംഗ് സ്കൂളിനാണെങ്കിൽ അതിലേക്കു വേറെ ഡിമാൻഡ് കൊണ്ടുവരണം.

MR. RAMAVARMA RAJA (*Edavagai*) : കെട്ടിടം ഉണ്ട്, ബോയിസ് വർണ്ണാക്കുലർ സ്കൂൾ എന്നാണു അതിന്റെ പേർ.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ട്രെയിനിംഗ് സ്കൂൾ എന്നൊരു കെട്ടിടം ഇല്ലെങ്കിൽ അതു ഏതു കെട്ടിടത്തിൽ ഇപ്പോൾ ഇട്ടിരിക്കുന്നോ അതിനു കൂടുതൽ അക്കാമഡേഷൻ ഉണ്ടാക്കുന്നതിനെപ്പറ്റിയാണ് ഇവിടെ പറയുന്നതു്.

If therefore, Government are going to take up this building for the proposed Mavelikara District Court, I do not see the necessity for this demand. With these observations, I oppose the demand.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, with reference to item No. 3 also, I think there is no necessity. The Director has been telling us that, if the P. W. D. Officer now in his office is transferred to the office of the Inspector of Vernacular Schools, another officer would be necessary for his office to help him in checking estimates for buildings and other works. In the very same breath, the Director was also telling us that even with these two officers he may not be able to get on with the work. Sir, we can more or less imagine the help that an officer getting Rs. 80 can give the Director. The Director was arguing, in support of his demand, that when the Overseer is at Nagercoil urgent necessity may actually arise for his services at Parur, and that therefore at least two officers were necessary. Now, he himself admits that the proposal is to give one officer to the Inspector of Vernacular Schools. So, the Director is going to have only one as in the past, and his position is not going to improve at all.

The Director now finds necessity to transfer one officer to the Inspector of Vernacular Schools. To-morrow, the Inspector of English Schools may need one for his office ; so that in about a year or two the

Education Department will have a miniature P. W. D. under it. Sir, the allotment for the P. W. D. has been considerably reduced ; and I think it is quite possible for the Chief Engineer to spare the services of some of his officers to help the Director. Some interdepartmental arrangement is possible, at any rate now when the P. W. D. has not got much to do. That, I think, is the proper solution for the Directors' difficulty. Sir, there is no use in our accusing the Director for this. It is all due to the manipulation of the Account Officer and to his being the Financial Secretary also.

DEPUTY PRESIDENT : That has no bearing to the matter in hand now.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) I am referring to it, Sir, because, just to show a surplus of Rs. 1½ lakhs when the Budget was presented, the Financial Secretary has made blind cuts without considering the merits of the recommendations made by the Heads of Departments. With all the supplementary demands that the Heads of Departments have necessarily to make now, the apparent surplus Budget becomes really a deficit Budget. So the Financial Secretary has done nothing but a hoodwinking of the Public and of their representatives here.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I wish to make one observation. Mr. S. Krishna Pillai seems to think Rs. 1,000 can be reduced since there is a proposal to house the proposed Mavelikara District Court in the present training school there. Sir, the present training school building is also one of the many buildings suggested for the housing of the proposed District Court. But, if it is pitched upon, the training school will necessarily have to be shifted to some other building. There is, I may point out, no proposal to abolish the training school. It has been found out that additional accommodation is necessary for the Mavelikara training school, and it is not stated that there is any proposal to shift it to a building with more accommodation than the present building.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What is the present proposal now made by Government, is it for additional accommodation for the present building or for some other building in contemplation ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : My friend will please hear me out. The proposal about the District Court has not matured. If the present Training School is not to be shifted, additional accommodation is necessary for the present building. If it is to be shifted additional accommodation is necessary for the building to which it is to be shifted. Additional accommodation is necessary anyway. So, if this Rs 1,000 is disallowed, the training school will have to be abolished or the District Court cannot come into existence. I do not want to face either of the contingencies. Therefore I request that the demand be allowed

MR. P. S. MAHOMED (*Nominated*) : സർ, കുറെ വാദ്ധ്യാന്മാരേയും, വാദ്ധ്യായനികളേയും നിയമിക്കണമെന്നി.........

DEPUTY PRESIDENT : വാദ്ധ്യാന്മാരെപ്പററിയും, വാദ്ധ്യായനികളെപ്പററിയും പറഞ്ഞു കഴിഞ്ഞു.

MR. P. S. MAHOMED (*Nominated*) : എന്റെ സ്നേഹിതൻ ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന മോഷനേ അനുകൂലിക്കുകയാണ്.

DEPUTY PRESIDENT: ഈ വിഷയത്തെപററി നിങ്ങൾ പറഞ്ഞതായിട്ടാണു വിചാരിക്കുന്നതു്. ഇനിയും അതേപററി പറയാൻ അനുവദിക്കുന്നതല്ല.

MR. P. S. MAHOMED (*Nominated*): സൂപ്രവൈസരെ സംബന്ധിച്ച പ്രസ്താവിക്കുന്നതിനു അനുവദിക്കുമല്ലോ? വിദ്യാഭ്യാസ മേലദ്ധ്യക്ഷന്റെ കീഴിൽ ഒരു സൂപ്രവൈസർ വേണമെന്നുള്ള സംഗതിയാണ് ഇവിടെ ആലോചനാവിഷയം. പള്ളിക്കൂടങ്ങളുടെകാര്യം P. W. ഡിപ്പാർട്ടുമെൻറു നോക്കുന്നതു് പലപ്പോഴും കാലതാമസത്തിനു ഇടവരുന്നുണ്ട്. പത്തു രൂപായ്ക്കു ചെയ്യേണ്ട ഒരു ജോലിക്കു അതു സമയത്തുചെയ്യാത്തതു് നിമിത്തം ആയിരം രൂപാ ചിലവാക്കേണ്ടിവരുന്നു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അങ്ങിനെ ആയാൽ എല്ലാ വകുപ്പുകൾക്കും ഈ മാതിരി സൂപ്രവൈസരെ കൊടുക്കേണ്ടി വരികയില്ലേ?

MR. P. S. MAHOMED (*Nominated*) : എല്ലാവകുപ്പുകൾക്കും കൊടുക്കേണ്ടിവരുകയില്ല. അററകുററ പണികൾ ഉടൻ ചെയ്തു തീർക്കേണ്ടവയാകയാൽ ആ സംഗതി ഡിപ്പാർട്ടുമെൻറു മേലധികാരിയുടെ കീഴിൽ തന്നെ വിട്ടു കൊടുക്കേണ്ടതാണു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : അങ്ങിനെ വരുമ്പോൾ ജൂഡിഷ്യൽ വകുപ്പിലെ മേലധികാരിക്കും ഈ മാതിരി ചെയ്തു കൊടുക്കേണ്ടേ?

MR. P. S. MAHOMED (*Nominated*) : ജൂഡിഷ്യൽ ഡിപ്പാർട്ടുമെൻറു വകകെട്ടിടങ്ങൾ പള്ളിക്കൂടം നടത്തുന്നകെട്ടിടങ്ങൾ പോലെയുള്ളവയല്ല. ഇവയിൽ ഉണ്ടാകുന്ന അററകുററങ്ങൾ ഉടനടിതീർക്കാതെ P. W ക്കാരെക്കൊണ്ടു് ചെയ്യിക്കുന്നതായാൽ അവർ വരുന്നതിനിടക്ക് കെട്ടിടം താഴെ വിഴും. അങ്ങിനെ മേലും വരാതിരിക്കണമെങ്കിൽ നിസ്സാരമായിട്ടുള്ള റിപ്പയറും മററും നടത്തുന്നതിനുള്ള അധികാരം ആ ഡിപ്പാർട്ടുമെൻറിനുതന്നെ കൊടുക്കേണ്ടതു് അത്യാവശ്യമാണ്. കേവലം ഒരു വാദ്ധ്യാരെ ഈ വക സംഗതികൾ ഏല്പിക്കുന്നതിനെക്കാൾ നല്ലതു ഈ വകകാര്യങ്ങളിൽ പരിചയമുള്ള ഒരാളിന് അതിന്റെ അധികാരം വിട്ടുകൊടുക്കുന്നതാണ്.

MR. RAMA VARMA RAJA (*Edavagai*) : ഈ സൂപ്രവൈസറുടെ ആവശ്യം എസ്റ്റിമേററ് തയ്യാറാക്കുന്നതിനു മാത്രമാണെന്നറിയാമോ?

MR. P. S. MAHOMED (*Nominated*) : കെട്ടിടം കെട്ടിക്കുന്നതിനും കൺട്രാക്ട് കൊടുക്കുന്നതിനും മററുമാണു. എസ്റ്റിമേററ് തയ്യാറാക്കുക എന്നുള്ളതാണ് അതിൽ പ്രധാനം.

DEPUTY PRESIDENT : I will put the demands, one by one, for voting.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I have to offer one explanation, Sir, before the motions are put to vote.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the question is put, nobody has a right to speak.

DEPUTY PRESIDENT : Now, I will put item No. (1). For petty construction and repairs to Vernacular Schools for boys and girls—Rs. 10,700 to the vote of the House.

The grant was made.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I demand a poll.

A poll was taken with the following result.

AYES—23.

Mr. K. P. Abraham
,, S. Chattanatha Karayalar
,, K. C. Karunakaran
,, M. N. Narayana Menon
,, P. S. Mahomed
,, Rama Varma Raja
,, L. A. Lampard
,, A. Thanu Pillai
,, K. George
,, A. Kumara Pillai
,, C. N. Srirenganatha Sastri
,, R. Nilakanta Pillai
Mr. Kayalam Paramesvaran Pillai
,, B. Naravana Pillai
,, N. K. Padmanabha Pillai
,, R. Dhanukoti Pillai
,, S. C. H. Robinson
Rao Sahib Dr. N. Kunjan Pillai
Mr. E. G. McAlpine
,, J. S. Westerdale
Mr. B. L. Slater
,, C. O. Madhavan
,, N. Nilakanta Pillai

NOES—16.

Mr. Joseph Kunju
,, K. C. Chandi
,, K. Gopalakrishna Pillai
,, A. S. Damodaran Asan
,, A. Narayana Pillai
,, K. Narayanaperumal Nadar
,, K. P. Nilakanta Pillai
,, K. Padmanabha Panikkar
Mr. M. Mahomed Mustapha
,, N. K Krishna Pillai
,, M. P. Madhavan Pillai
,, K. P. Madhavan Pillai
,, K. Madhavan Pillai
,, S. Krishna Pillai
,, Tariathu Kunjitomman
,, K. Kunjukrishna Pillai

The motion was declared carried, 23 voting for the motion, 16 against and neutral nil.

The Demand was carried and the grant made.

DEPUTY PRESIDENT : I put item No. 2 for the appointment of additional teachers in Vernacular Schools for boys and girls Rs. 4,000 for the vote of the House.

The demand was put to the vote of the House and carried.

MR. K. GEORGE (*Chief Secretary to Government*): I demand a poll.

A poll was taken with the following result.

AYES—21.

Mr. S. Chattanatha Karayalar
,, K. Gopalakrishna Pillai
,, K. C. Karunakaran
,, P. S. Mahomed
,, Rama Varma Raja
,, L. A. Lampard
,, R. Dhanukoti Pillai
,, K. George
,, A. Kumara Pillai
Rao Sahib Dr. N. Kunjan Pillai
Mr. C. O. Madhavan
Mr. E. G. McAlpine
,, B. Narayana Pillai
,, N. Nilakanta Pillai
,, R. Nilakanta Pillai
,, N. K. Padmanabha Pillai
,, Kayalam Paramesvaran Pillai
,, S. C. H. Robinson
,, B. L. Slater
,, C. N. Srirenganatha Sastri
,, J. S. Westerdale

NOES—18.

Mr. Joseph Kunju
,, K. P. Abraham
,, K. C. Chandy
,, A. S. Damodaran Asan
,, A. Narayana Pillai
,, M. N. Narayana Menon
,, K. Narayanaperumal Nadar
,, K. P. Nilakanta Pillai
,, M. Mahomed Mustapha
Mr. K. Padmanabha Panikkar
,, N. K. Krishna Pillai
,, K. Madhavan Pillai
,, M. P. Madhavan Pillai
,, K. P. Madhavan Pillai
,, S. Krishna Pillai
,, Tariatu Kunjitomman
,, K. Kunjukrishna Pillai
,, A. Thanu Pillai

The demand was declared carried, 21 voting for, 18 against and none neutral.

The grant was made.

DEPUTY PRESIDENT: Then I put to the House item No. (3) for the appointment of a Third Grade Supervisor on Rs. 80-120 as P. W. D. officer for the Education Department,

The motion was put to vote and lost.

MR. A. THANU PILLAI (*Trivandrum*): I demand a poll.

A poll was taken with the following result.

AYES—19.

Mr. R. Dhanukoti Pillai
,, K. George
,, A. Kumara Pillai
Rao Sahib Dr. N. Kunjan Pillai
Mr. C. O. Madhavan
,, E. G. McAlpine
,, B. Narayana Pillai
,, N. Nilakanta Pillai
,, R. Nilakanta Pillai
,, N. K. Padmanabha Pillai
Mr. Kayalam Paramesvaran Pillai
,, S. C. H. Robinson
,, B. L. Slater
,, C. N. Srirenganatha Sastri
,, J. S. Westerdale
,, K. P. Abraham
,, K. C. Karunakaran
,, L. A. Lampard
,, P. S. Mahomed

NOES—20.

Mr. K. C. Chandi
,, S. Chattanatha Karayalar
,, A. S. Damodaran Asan
,, K. Gopalakrishna Pillai
,, Joseph Kunju
,, N. K. Krishna Pillai
,, S. Krishna Pillai
,, Tariatu Kunjitomman
,, K. Kunjukrishna Pillai
,, K. Madhavan Pillai
Mr. K. P. Madhavan Pillai
,, M. P. Madhavan Pillai
,, M. Mahomed Mustapha
,, M. N. Narayana Menon
,, K. Narayanaperumal Nadar
,, A. Narayana Pillai
,, K. P. Nilakanta Pillai
,, K. Padmanabha Panikkar
,, Rama Varma Raja
,, A. Thanu Pillai

The motion was declared lost, 19 voting for, 20 against and none remaining neutral.

DEPUTY PRESIDENT : I put to the vote of the House item No. (4) for providing additional accommodation to the three Training Schools at Neyyattinkara, Mavelikara and Ettumanoor Rs. 3,000.

The motion was put to vote and carried.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I demand a poll.

A poll was taken with the following result.

AYES—21.

Mr. R. Dhanukoti Pillai
,, K. George
,, A. Kumara Pillai
Rao Sahib Dr. N. Kunjan Pillai
Mr. C. O. Madhavan
,, E. G. McAlpine
,, B. Narayana Pillai
,, N. Nilakanta Pillai
,, R. Nilakanta Pillai
,, N. K. Padmanabha Pillai
,, Kayalam Paramesvaran Pillai
Mr. S. C. H. Robinson
,, B. L. Slater
,, C. N. Srirenganatha Sastri
,, J. S. Westerdale
,, S. Chattanatha Karayalar
,, K. C. Karunakaran
,, L. A. Lampard
,, P. S. Mahomed
,, Rama Varma Raja
,, A. Thanu Pillai

NOES—19.

Mr. K. P. Abraham
,, K. C. Chandi
,, A. S. Damodaran Asan
,, K. Gopalakrishna Pillai
,, Joseph Kunju
,, K. P. Kochukora Tarakan
,, N. K. Krishna Pillai
,, S. Krishna Pillai
,, Tariatu Kunjitomman
,, K. Kunjukrishna Pillai
Mr. K. Madhavan Pillai
,, K. P. Madhavan Pillai
,, M. P. Madhavan Pillai
,, M. Mahomed Mustapha
,, M. N. Narayana Menon
,, K. Narayanaperumal Nadar
,, A. Narayana Pillai
,, K. P. Nilakanta Pillai
,, K. Padmanabha Panikkar

NEUTRALS—Nil.

The motion was declared carried, 21 voting for, 19 against and none remaining neutral.

The grant was made.

The Council adjourned at 5 P. M.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT.*)

Wednesday, the 29th Vrischikam 1108/14th Dec mber 1932.

The Council met in the Victoria Jubilee Town Hall, at Eleven-thirty of the Clock, the President presiding.

QUESTIONS AND ANSWERS.

Registry of lands in Devicolam.

36. **MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*) : Will the Government be pleased to state :

(*a*) whether there are, in Travancore, lands between 4,000 feet and 7,500 feet in height anywhere except in Devicolam ;

(*b*) whether such high lands in Devicolam are frequented by inhabitants of the plains in the State as a health resort during the summer season ;

(*c*) whether, since the opening of the Neriamangalam-Pallivasal road, people of the plains are visiting Munnar and other portions of Devicolam in larger numbers than before ;

(*d*) whether any lands in Devicolam are set apart for assignment to the applicants from the plains in the State ;

(*e*) whether the Kanan Devan Hills Produce Company has applied recently for registering in its name about 25,000 acres in the High Ranges including Mannavanchola ;

(*f*) (i) the extent, in acres, of lands in Devicolam in the possession of the company ;

(ii) of this, the extent, in acres, under actual cultivation; and

(iii) in how many more years the remaining area, if any, is to be brought under cultivation by the said company ; and

(*g*) whether they will lay on the table a statement showing the names of the lands and their extent available in the High Ranges for registry to the citizens of the State ?

G. P. T. 1695. 300.

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) People from the plains occasionally visit Devicolam Town, Munnar, Peermade, the Periyar Lake etc., during summer.

(*c*) Yes.

(*d*) No lands have been set apart for being assigned to applicants from the plains in Devicolam Town, but in Devicolam Taluk and outside the K. D. H. P. concession, lands are available.

(*e*) No.

(*f*) (i) 1,37,160·53 acres.

(ii) It is not yet ascertained by actual survey. But 44,985·17 acres out of the above are under their occupation.

(iii) The Government have no information.

(*g*) A statement* furnishing the information is placed on the table. But the major portion of the area referred to in the pakuthies of Poopara and Udumbanchola comes with the Cardamom Hills Reserve and because of the prohibition G. O., they are not now available for registry except a small extent of land bid by the Sirkar for a nominal value and ordered to be disposed of in auction.

Statement, by caste, of applicants for admission to the Medical College.

37. **MR. RAMA VARMA RAJA** (*Edavagai*): Will the Government be pleased to lay on the table a statement, by caste, of the applicants for admission to the Medical College, both men and women?

MR. A. KUMARA PILLAI (*Secretary to Government*): A statement† furnishing the information required by the member is laid on the table.

Opening of a District Court at Mavelikara.

38. **MR. RAMA VARMA RAJA** (*Edavagai*): Will the Government be pleased to state:

(*a*) whether the Law's Delays Commissioner has submitted his report; and

(*b*) whether the Law's Delays Commissioner made any recommendation about the territorial jurisdiction of courts and about the location of a District Court at Mavelikara?

MR. K. GORGE (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Yes.

MR. RAMA VARMA RAJA (*Edavagai*): ലാസ്ഡിലേസ് കമ്മീഷന്റെ റക്കമെൻഡേഷൻ അനുസരിച്ച് എന്താക്ഷൻ എടുത്തു?

MR. K. GEORGE (*Chief Secretary to Government*): ആക്ഷൻ എടുത്തുകൊണ്ടിരിക്കയാണ്.

MR. RAMA VARMA RAJA (*Edavagai*): അതു ഏതുവരെയായി?

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* Vide Appendix I.—page i.

† Vide Appendix II.—pages ii—iii

MR. K. GEORGE (*Chief Secretary to Government*): ഹൈക്കോടതിയുടെ റെക്കമെൻഡേഷൻസ് വന്നിട്ടുണ്ട്. അവയെല്ലാം ഇപ്പോൾ ഗവൺമെൻറിൻെറ ആലോചനയിൽ ഇരിക്കയാണ്.

Damage caused by the recent floods in the Attingal river.

39. **MR. K. P. NILAKANATA PILLAI** (*Chirayinkil*): Will the Government be pleased to state:

(*a*) whether they have received any representations regarding the damage caused by the recent floods in the Attingal river in Chirayinkil Taluk;

(*b*) whether any action has been taken on those representations, and, if so, what;

(*c*) whether any responsible officer had been to the affected areas; and

(*d*) if the answer to part (*c*) is in the affirmative, whether he has made any report, and, if so, the nature of the report and the action taken on the same?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(*a*) Yes.

(*b*) & (*c*) Yes. The places were inspected by responsible officers of the P. W. and Revenue Departments.

(*d*) With regard to the breaches in the bank of the Mamom river the Chief Engineer has reported that they have been closed; so also that at Chankanath near Valia Ela. In connection with the floods in the Attingal river causing damages in the Kadakkavur and Meerankadavu villages, there was nothing humanly possible to do. Some money was placed with the Dewan Peishkar, Trivandrum, for the relief of distress.

The Suchindram bridge.

40. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Are the Government aware that the Suchindram bridge over the Pazhayar is unsafe for passengers and vehicles to pass on?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The member is referred to parts (*b*) and (*c*) of the reply to interpellation No. 151 given at the meeting of the Council held on 4-8-1932.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): The answer that has been given to me is

"The member is referred to parts (*b*) and (*c*) of the reply to interpellation No. 151 given at the meeting of the Council held on 4-8-1932"

Are the Government aware that on either end of the bridge there are two P. W. D. notice boards stating that the bridge is not safe for passengers, motor lorries and buses?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government are not aware of any notice board to the effect that the bridge is not safe for passengers. There is a notice board to the effect that the bridge is not safe for heavy lorries, buses full of passengers and such heavy traffic.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : May I know the source for the answer that I have been given? Is it the Government or the Chief Engineer or the P. W. D. Division Officer?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : The answer is given on behalf of Government.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : May I know whether, after I sent my interpellation, the Government sent one of their Secretaries or Assistant Secretaries or the Chief Secretary to examine the condition of the bridge?

PRESIDENT : Please keep to the point. You must not ask a question like that.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : Are the Government aware that the bridge is not safe now?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : The Public Works Department is of opinion that the bridge is not quite safe for heavy traffic. It is safe for passengers who walk upon it.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : Are the Government aware that motor lorries and buses with passengers are not allowed to pass over that bridge?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) ; Only empty buses and empty lorries are allowed to pass over the bridge.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : May I know why loaded buses are not allowed to cross the bridge?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Because the P. W. D. is of opinion that the bridge is not quite safe for the traffic of heavy vehicles.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : So am I to understand that the bridge is not quite safe for passengers?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Certainly not; it is perfectly safe for passengers walking along the bridge. It is when the buses are full that they become heavy rendering it unsafe.

Shifting of the public market near Kurumthotathu junction in Pandalam.

41. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*) : Will the Government be pleased to state :

(*a*) whether there is a proposal to shift the public market near the Kurumthotathu junction, Pandalam, from its present site to any other place;

(*b*) whether there is any proposal to register that site in favour of any private individual; and

(*c*) whether the Government have received any representation from the citizens of Pandalam on this subject?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Yes. There is a proposal from the Chief Engineer to shift the market to a

higher level in view of the heavy cost that might be required to improve the present market and to raise it above mean flood level. The matter is under consideration by the Dewan Peishkar, Quilon.

(b) That will arise only after the question of shifting the market has been decided.

(c) Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : The answer to part (c) states that Government have received representations from the people of Pandalam in regard to the shifting of the market. May I know the purport of the representation?

MR. K. GEORGE (*Chief Secretary to Government*) : It is stated that the market should not be shifted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know whether there was any representation to the effect that the market should be shifted?

MR. K. GEORGE (*Chief Secretary to Government*) : Government are not aware of any such representation from the people.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know for how many days or months in the year this particular site will be under water?

MR. K. GEORGE (*Chief Secretary to Government*) : Just for a few days, I believe, during heavy monsoon.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the Government have received any representation stating that the people are put to great difficulty on account of the market not being held for a few days every year?

MR. K. GEORGE (*Chief Secretary to Government*): On personal inspection the Land Revenue Commissioner found that the condition of the market was highly deplorable. It is slightly below flood level and hence subject to inundation during floods. The Land Revenue Commissioner found that on the whole the market was in unwholesome condition and so he reported that it would be desirable to shift it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the low level of the ground the main objection?

MR. K. GEORGE (*Chief Secretary to Government*): That is one of the reasons for the deplorable condition of the market. The suggestion is to raise the ground of the premises, to construct walls around it and to put up gates.

MR. A. S. DAMODARAN ASAN ((*Mavelikara* cum *Kartikapalli*): What was the extent to which the level was recommended to be raised?

MR. K. GEORGE (*Chief Secretary to Government*) : Just above the mean flood level.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What is the difference between the mean flood level and the present level of the ground?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know that. The recommendation is that the ground should be raised one and a half feet above flood level.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the present level of the ground?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know. The ground is below flood level.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the Chief Engineer estimated the cost of raising the level to the extent recommended by the Land Revenue Commissioner?

MR. K. GEORGE (*Chief Secretary to Government*): I may inform the member that the Dewan Peishkar has subsequently inspected the locality and he has reported that the market should not be shifted especially because the site selected is not sufficiently large. He is of opinion that the market need not be shifted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Have the Government accepted his recommendation?

MR. K. GEORGE (*Chief Secretary to Government*): It has just come today.

Delay in the disposal of pokkuvaravu cases in Tovala and Agastisvaram.

42. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Are the Government aware that *pokkuvaravu* cases are unnecessarily delayed by Proverthicars in the taluks of Tovala and Agastisvaram?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is reported by the Land Revenue and Income Tax Commissioner that 532 *pokkuvaravu* cases were pending with the Tahsildars of Tovala and Agastisvaram at the end of Thulam 1108. Of these 86 cases relate to the year 1107 and the balance to 1108. Stringent orders have been issued for the prompt disposal of these cases.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): In the answer it is stated that 532 *pokkuvaravu* cases were pending with the Tahsildars of Tovala and Agastisvaram at the end of Thulam 1108. May I know why so many as 532 cases are pending?

MR. A. KUMARA PILLAI (*Secretary to Government*): Each *pokkuvaravu* case has to go through several stages before it is finally disposed of.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that inordinate delay is caused by the Proverthicars?

MR. A. KUMARA PILLAI (*Secretary to Government*): Government are not aware of that. There has been no inordinate delay.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that the Proverthicars demand bribes from the parties in all these *pokkuvaravu* cases?

PRESIDENT: Your question has already been answered, Mr. Nadar.

Aerodrome at Trivandrum.

43. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram* cum *Shencotta*): Will the Government be pleased to state whether they propose to provide a landing place or aerodrome at Trivandrum, for aeroplanes?

MR. K. GEORGE (*Chief Secretary to Government*): The question of providing a landing ground for aeroplanes in Trivandrum is under consideration.

44. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram* cum *Shencotta*): Have the Government pitched upon any particular site for an aerodrome in Trivandrum?

MR. K. GEORGE (*Chief Secretary to Government*): No; final decision has not been arrived at.

Knowledge of motor mechanism required on the part of drivers and conductors of motor vehicles.

MR. A. THANU PILLAI (*Trivandrum*): Will the Government be pleased to state:

(*a*) the extent and nature of the knowledge, if any, of motor mechanism, required on the part of drivers and conductors of motor vehicles to entitle them to get the necessary licenses; and

(*b*) whether they are aware of any publication, in Malayalam, containing the necessary information?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) (1) Starting the engine with the handle,

(2) Steering.
(3) Engagement of gears (*a*) up, and (*b*) down.
(4) Driving up hills.
(5) Driving down hills.
(6) Starting in the middle of an ascent.
(7) Starting in the middle of a descent.
(8) Turning corners.
(9) Driving backwards.
(10) Turning vehicle in a limited space.
(11) Observance of general and special speed limits.
(12) Knowledge about the working of the engine and chassis.

Conductors are not required to possess any mechanical knowledge.

(*b*) No.

MR. A. THANU PILLAI (*Trivandrum*): How do the drivers get the requisite knowledge of motor mechanism?

MR. K. GEORGE (*Chief Secretary to Government*): They get trained under some mechanic.

MR. A. THANU PILLAI (*Trivandrum*): Do they get any knowledge from books?

MR. K. GEORGE (*Chief Secretary to Government*): Partly.

MR. A. THANU PILLAI (*Trivandrum*): Have the Government considered the desirability of instituting some test, written as well as practical, for these drivers?

MR. K. GEORGE (*Chief Secretary to Government*). There is a suggestion to open some training class or to recognise some training class conducted by some private agency.

MR. A. THANU PILLAI (*Trivandrum*): Are not the Government aware of Mr. M. V. Ittycheria's book on motor mechanism, High Court Vakil Mr. Ittycheria's book?

MR. K. GEORGE (*Chief Secretary to Government*): I have not seen that book.

MR. A. THANU PILLAI (*Trivandrum*): My question was whether the *Government* were aware of the book?

MR. K. GEORGE (*Chief Secretary to Government*): I speak on behalf of Government.

Strength of a class in Government schools.

45. **MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Will the Government be pleased to state the average strength of a class in—

(*a*) Government primary schools; and

(*b*) Government secondary schools?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) 50·33.

(*b*) 67·79.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the averages are for the girls and the boys' schools together?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is the separate average for the girls' schools?

MR. K. GEORGE (*Chief Secretary to Government*): That has not been worked out.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the member is in a position to inform me whether, on a rough comparison, the average for the girls' schools is less than the average for the boys' schools?

MR. K. GEORGE (*Chief Secretary to Government*): The figures are not now available.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is the sanctioned strength of a class in the departmental primary schools?

MR. K. GEORGE (*Chief Secretary to Government*): I understand that the maximum allowed is 50.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): My question is not what is allowed, but what the actual strength is?

MR. K. GEORGE (*Chief Secretary to Government*). I am sorry I have not got the information before me now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is it possible for the member to say whether the present average is far higher than the maximum allowed?

MR. K. GEORGE (*Chief Secretary to Government*): I believe it is.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is the reason for this state of affairs?

MR. K. GEORGE (*Chief Secretary to Government*): The inadequacy of staff.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know why the Government have not taken steps to increase the staff?

MR. K. GEORGE (*Chief Secretary to Government*): It is just for that that the Government have now come forward for a supplementary grant. When that is sanctioned, more teachers will be appointed,

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Will the demand now made appreciably lower the average strength in the classes?

MR. K. GEORGE (*Chief Secretary to Government*): It must, necessarily.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Will it bring down the strength to the sanctioned maximum strength?

MR. K. GEORGE (*Chief Secretary to Government*): Most probably not.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether it is due to want of money that all the grant necessary is not asked for now?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I point out to Government that it should be their policy to provide first of all for primary and secondary education before they think of improving collegiate education?

PRESIDENT: That does not arise out of your question.

Complaint against Mr. Kunnappallil Raman Pillai, Proverthicar, Ranni.

46. **MR. JOSEPH KUNJU** (*Changanachery* cum *Peermade*): Will the Government be pleased to state:

(*a*) whether the Land Revenue Commissioner has received any complaint against Mr. Kunnappallil Raman Pillai, Proverthicar, Ranni;

(*b*) if so, whether the Land Revenue Commissioner has made the necessary enquiries regarding it; and

(*c*) if so, the result?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) and (*c*). The necessary enquiry is being made.

Concession granted to students passing out of the Agricultural Schools.

47. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) whether the students who pass from he Agricultural Schools are given lands and loans on favourable conditions for the formation of agricultural colonies;

(*b*) if the answer to part (*a*) is in the affirmative, the number of such students who have not yet received such help from the Government; and

(c) if the answer to part (a) is in the negative, the reasons f the discontinuance of such concessions?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) (a) There is no understanding to the effect that the students wl pass out of the Agricultural Schools will be provided with lands ar loans on favourable terms for the formation of agricultural colonies.

(b) and (c) In view of the answer to part (a), these questions (not arise.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know whether Government have given lands to students who passed from Agricultural Schools?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes, Sir. Government have sanctioned an area of 170 acres of land, from the Koni pepper farm, to be cut into 10 acre plots to be given to 17 students passing out of the Alwaye Agricultural School for carrying on scientific cultivation under the supervision of the Agricultural Department.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Was the land given to the first 17 students who passed out of the Agricultural Schools?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): I am not quite sure whether it was the first 17 that were given these lands.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know why the land was given to the students?

MR. C N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): In order to help them to bring into existence a model colony of students trained in agriculture.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Was it because Government wanted to encourage students of Agricultural Schools that the land was given?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know then why students who have passed subsequently were not given lands?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): For want of lands which could be cultivated by these students under the supervision of the Agricultural Department. It was one of the specific objects of the schemes that the Agricultural Department must be in a position conveniently to supervise the cultivation.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Was there only one block of land in the whole State which could be supervised by the Agricultural Department?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. (Secretary to Government*): Students have not applied for suitable lands which could be conveniently supervised by the Department. The first colony was given land as an experimental measure.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Have these students requested the Government, by pointing out certain lands, to grant them lands under the scheme adopted by Government previously?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): A memorial was received from a batch of students, who have passed out of the Agricultural Schools, Alwaye and Kottarakara, for the grant of 1,000 acres in Kanjirapalli. But, the Director of Agriculture considered that it was not desirable or feasible to grant the request of the students, to start the colony in Changanachery.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it because an additional Agricultural Inspector may have to be appointed that the Government gave up the idea?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): That is also one of the reasons.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there any other ground for the decision of Government in the matter?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): I have already explained the position, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When the Government passed the orders had they in mind the recommendation of the Unemployment Committee in regard to the Land Colonisation Scheme?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): That scheme was sanctioned in 1926.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether Government have passed final orders in the memorial from students for 1,000 acres?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the Report of the Unemployment Committee on this matter would be considered by Government in passing final orders on the memorial?

MR. C. N SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes.

Adjournment Motion.

Mr. N. K. Krishna Pillai handed over to the President notice of an adjournment motion.

PRESIDENT: Mr. N. K. Krishna Pillai wishes to move a very long motion—I do not propose to read the whole of it—to discuss the extreme hardship suffered by the agricultural population owing to the deplorable delay on the part of Government in passing final orders or in giving full effect to the unanimous recommendations submitted by the Minor Irrigation Committee. This is not a subject covered by the Rule on adjournment motions. It is not a matter of recent occurence I disallow it.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND VIII—PUBLIC WORKS.

MR. J. S. WESTERDALE (*Chief Engineer*) ; Sir, I move for a grant, not exceeding Rs.14,663, under Demand VIII—Public Works, for the purpose of entertaining a preliminary staff for town-planning, for the investigation of schemes and for the preparation of estimates. The staff will be required for the remainder of the year, i.e. for 8 months and 8 days.

The first question that is usually raised when demands for supplementary grants are made is why provision was not made when the Budget for the year was prepared. There were two reasons, Sir, why that could not be done in regard to this matter. The first was that this too was included with a large number of other important works which Government found it impossible to provide for in the Budget. When I prepared the Budget for 1108 in my office it amounted to Rs. 42,28,300. On being ordered by Government to reduce it I brought it down to Rs. 35 lakhs; and as finally passed it was only Rs. 29 lakhs. It was inevitable in such circumstances that a large number of really useful and important works were omitted. That is the first reason.

The second reason was that Government felt some diffidence in providing funds in the Budget for working under an enactment which had not yet been finally passed by this House. They were aware that the Act had the general support of the House; but they felt that until it became law it was not quite correct to provide funds for the working of it.

The urgent necessity for this staff has arisen because there has been a recent impetus to town-planning and I must have this staff if I am to do anything in the direction of town-planning which has been talked about for years without any work being done actually. One of most important items is the selection of sites for important Government buildings, the Council Chamber, for instance, which is necessary for the new legislature. There is a lot of work to be done in selecting sites which should not be selected piecemeal. It is an essential feature of town-planning that sites for various purposes should be considered comparatively Mr. Krumbiegel has made some valuable suggestions for improving the town. These suggestions have to be investigated, and schemes worked out.

I may be asked, Sir, why I should not do all these with my present staff. Sir, it may be a matter of surprise to this House to know that I have not a single Surveyor in the whole P. W. D. in this State. What survey has to be done in my Department is done by Surveyors who form part of the work establishment and are charged to the specific work for which the survey is required.

So far as my general establishment is concerned, as a result of the recommendations of the Retrenchment Committee, seven Overseers were abolished from the 1st Chingam 1108. When Mr. Krumbiegel came here, he wanted a man to go out with him to work under his instructions, to make a survey and lay out proposals. I was asked to supply

a man. I had to supply 4 Surveyors in all, in each case his pay being charged to some other works.

Sir, if we are to do any constructive work, if we are going to make any proposal, draw up a definite plan of work, in other words start operations under Town-Planning Act, we must have an organised staff permanently devoted to this purpose. Even if the Division Office staff could do it, I do not think it would be sound policy to ask them to do it. What is required is a central organisation devoted entirely to this work under the direction of the Director of Town-Planning. The minimum staff required is a Supervisor, two Overseers, one Architectural Draftsman, one Clerk-Typist and 3 peons. The provision also includes incidental expenses by way of T. A. and the pay of lascars to carry the chains and other instruments. The total cost works out to Rs. 1564. The present provision is for 8 months and 8 days.

There is just one small misleading statement made in the printed statement. It says that the staff is intended for the investigation of a scheme for Trivandrum. That is not our entire intention. The staff is intended as town planning staff for the whole State. The House will realise that the Director of Town-Planning has got to advise and assist all the municipalities in the State; and, under the Act, we have got to draw up rules and procedure for doing so. I may also point out that, in Section 5, Chapter III, of the Act, it is stated that the Government may appoint a person to be Director of Town-Planning for Travancore, and may assign to him, from time to time, such establishment as they think fit. I have already submitted, Sir, that Government do not propose to commence any work before the Act becomes law. At the same time, the general feeling is that it will become law. In any case, there is tremendous amount of work in town planning, which can be done without the Town-Planning Act in force. And, if the idea of the House is that town-planning should be taken up seriously in this State, the sooner we do it the better As regards Trivandrum itself there is plenty to be done in the immediate future. We have got to select sites which would be suitable relative to town planning as a whole. We require good sites for the High Court and for the Council Chamber, for instance. There is a tremendous programme in Trivandrum as we all know. There is a proposal under consideration for a bye-pass road for the M. S. road utilising the Cochar Channel. For all these a co-ordinated scheme has to be followed. We have also got housing schemes, for removing congested areas like the localities bordering the Chalai Bazaar. Town planning is intimately connected with public health. There are paddy fields in the heart of the town which are breeding grounds for mosquitoes. Such paddy fields may be utilised for town extension. For instance, the site of the new Central Station in Tampanur was the centre of a large extent of paddy fields. Before the work was completed many people were condemning the idea. But now we find the magnificent building there standing on a beautiful site. There is no reason why other paddy fields in the town should not be converted into similar

[Mr. J. S. Westerdale].

useful building sites. Unless the Government interfere there is no doubt that the owners of these unhealthy plots will make their own use of the lands, probably against the interests of the town Town-planning is intended to deal with such cases. So, the House will see that, even as it is, we have plenty to do.

MR. A. THANU PILLAI (*Trivandrum*): When is the Director of Town-Planning likely to be appointed?

MR J. S. WESTERDALE (*Chief Engineer*): The appointment has already been made tentatively subject to the Act being passed.

MR. A. THANU PILLAI (*Trivandrum*): Is it proposed to work the scheme through the Municipality or by the Government?

MR. J. S. WESTERDALE (*Chief Engineer*): Under the Act, they can be worked by the Municipality, or by the Government on behalf of the Municipality, or the Government in consultation with the Municipality may create a Town-Planning Trust.

MR. A. THANU PILLAI (*Trivandrum*): Hence my question, what the Government propose to do in the case of Trivandrum?

MR. J. S. WESTERDALE (*Chief Engineer*): It is too early to say anything definite about it. No doubt, the Municipality must be addressed on the matter.

MR. A. THANU PILLAI (*Trivandrum*): Has the Municipality been addressed, and if so, what is their reply?

MR. J. S. WESTERDALE (*Chief Engineer*): I have no information.

PRESIDENT: That is all beside the point, Mr. Thanu Pillai. This demand is for the preliminary staff for the work. That has not yet been passed. It is not in order now to discuss how the Act is going to be worked.

MR. A. THANU PILLAI (*Trivandrum*): Yes, Sir. May I submit that my question is quite relevant in view of the fact that after all it is the Municipality that is to be made liable for the liability incurred. Under the Regulation, Government will come forward and say "The work was done for the Municipality, and so the Municipality must pay." That is why I want the information in regard to Trivandrum so that I may make up my mind as to my stand in the matter; because I know the condition of the people here.

PRESIDENT: There is an Act coming into force if passed by the Council. The suggestion now is simply to have a staff to carry out the necessary preliminaries. If the Act is not passed some other means will have to be devised. That is why I say that it is not in order to discuss the working of the Act at the moment.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ടൌൺ പ്ലാനിംഗിനാവശ്യമുള്ള എസ്റ്റിമേററു തയാറാക്കുക, അന്വേഷണം നടത്തുക മുതലായവയ്ക്കായി ഉദ്ദേശിച്ചിട്ടുള്ള പ്രിലിമിനറി സ്റ്റാഫിനു ആവശ്യപ്പെ

ട്ടിരിക്കുന്ന ൪,൩൩൨ രൂ. ൧൧ ച. ൧൩ കാശ്ശു കുറയ്ക്കണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

ടൌൺ പ്ലാനിങ്ങ് ആവശ്യമുണ്ടായിരുന്നാൽ കഴിഞ്ഞ ബഡ്ജറ്റു് കാലത്തുതന്നെ ഇതിലേക്കാവശ്യമുള്ള സംഖ്യ ബഡ്ജറ്റിൽ ചേക്കാമായിരുന്നു. ഇപ്പോൾ ആവശ്യപ്പെട്ടിരിക്കുന്ന സംഖ്യ ഇതിന്റെ പ്രിലിമിനറി ചിലവിന് ആണെന്നു പറയുന്നതല്ലാതെ ഇതിലേക്ക് ഇനി എത്ര സംഖ്യ വേണ്ടിവരുമെന്നൊ അല്ലെങ്കിൽ അതു ഒരു ഭീമമായ സംഖ്യ ആയിരിക്കുമൊ എന്നൊ ആക്കും തന്നെ നിശ്ചയമില്ല. ഇതിപ്പോൾ അനുവദിച്ചുകഴിഞ്ഞാൽ അടുത്ത ബഡ്ജറ്റിൽ എട്ടോ പത്തോ ലക്ഷം രൂപാ ഈ ഇനത്തിനായി ചേത്തുകൊണ്ടുവന്നു എന്നുവരാം. ഈ കൌൺസിൽ ഒരിക്കൽ ഇതിലേക്കു പണം അനുവദിച്ചശേഷം രണ്ടാമതു അനുവദിക്കയില്ല എന്നു പറയുന്നതു ഭംഗിയല്ല. അതിനാൽ ആദ്യമേതന്നെ ഈ സംഖ്യ അനുവദിക്കാതിരിക്കയാണ് നല്ലതു്.

ഇതിനുംപുറമെ തിരുവനന്തപുരം പട്ടണത്തിൽ എലക്ട്രിക്ക് സ്കീം, ടെലഫോൺ തുടങ്ങിയുള്ളവയ്ക്കു ധാരാളം പണം ചിലവുചെയ്തു കഴിഞ്ഞു വാട്ടർ വർക്സിനു പണം ധാരാളം ചിലവുചെയ്തു എങ്കിലും ഇനിയും അതു പൂർത്തിയായിട്ടില്ല. ഇതുകൂടാതെ ഡ്രയിനേജിനായി ഒരു വലിയ സംഖ്യ ചിലവാക്കേണ്ടതായുമിരിക്കുന്നു. ഈ സ്ഥിതിക്കു, മററു പല സംഗതികളിലും ഗവണ്മെൻറിന്റെ കോശസ്ഥിതി തൃപ്തികരമല്ലെന്നു പറയുന്ന ഗവണ്മെൻറു തിരുവനന്തപുരം പട്ടണത്തിൽ ടൌൺ പ്ലാനിങ്ങിനു പണം അനുവദിക്കുന്നതു ശരിയല്ല.

ടൌൺ പ്ലാനിങ്ങ് മുനിസിപ്പാലിററിയെ ഏല്പിക്കാൻകൂടി ഒരു വ്യവസ്ഥയുള്ളതായി കാണുന്നുണ്ടു്. എന്നാൽ ഗവണ്മെൻറു് അതിനു തയ്യാറായി കാണാത്തതിൽ അത്ഭുതപ്പെടുകയേ നിവൃത്തിയുള്ളൂ. ആലുവായിൽ അതിപ്രധാനമായ ആലുവാപ്പുഴ പാലം പണിയിക്കുന്നതിനു ആവശ്യപ്പെട്ടപ്പോൾ അതു മുനിസിപ്പാലിററി നടത്തട്ടെ; ഗവണ്മെൻറു വേണമെങ്കിൽ കുറെ പണം കടം കൊടുക്കാമെന്നു പറഞ്ഞ ഗവണ്മെൻറു ഒരു വലിയ മുനിസിപ്പാലിററിയുള്ള തിരുവനന്തപുരം പട്ടണത്തിലെ സംഗതി വന്നപ്പോൾ അതു ഗവണ്മെൻറിന്റെ സ്വന്തംപോലെയും മററുള്ളവ പുറമ്പോക്കുപോലെയും വിചാരിച്ചു പ്രവത്തിക്കുന്നതു ആക്ഷേപാർഹമാണ്. തിരുവിതാംകൂറിന്റെ മററു ഭാഗങ്ങളിലെയും ആവശ്യങ്ങളും അത്യാവശ്യങ്ങളും അറിഞ്ഞു പ്രവൃത്തിക്കേണ്ടതു ഗവണ്മെൻറിന്റെ കടമയാകുന്നു.

[Mr. K. P. Kochukora Tarakan].

ഇന്നലെ വിദ്യാഭ്യാസഡയറക്ടർ കുറെ വാദ്ധ്യാന്മാരെ നിയമിക്കുന്നതിനു ഒരു മൊത്തസംഖ്യ വേണമെന്നു പറഞ്ഞതുപോലെ ചീഫ്എൻജിനീയർ സ്റ്റാഫിനു ഒരു മൊത്തസംഖ്യ വേണമെന്നു പറയുന്നതല്ലാതെ മററു വിവരങ്ങളൊന്നും പറയാത്തതിന്റെ അർത്ഥം മനസ്സിലാകുന്നില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): കൌൺസിൽ ഹാൾ പണിയിക്കേണ്ടതു ആലുവായിലോ തിരുവനന്തപുരത്തോ ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): അതു തിരുവനന്തപുരത്തു തന്നെയാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഹൈക്കോടതി പണിയിക്കേണ്ടതു ആലുവായിലൊ തിരുവനന്തപുരത്തൊ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഹൈക്കോടതി ഇപ്പോൾ തീർത്തിരിക്കയാണല്ലോ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഹൈക്കോടതി രാജ്യത്തിന്റെ മദ്ധ്യഭാഗത്തായാൽ തരക്കേടുണ്ടോ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഒരു തരക്കേടുമില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മൈസൂർ മഹാരാജാവിന്റെ താമസം മൈസൂരിലാണെങ്കിലും ഹൈക്കോടതിയും മററു പബ്ളിക്ക് ആഫീസുകളും ബാംഗ്ളൂരിലല്ലേ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ആണെന്നാണു എന്റെ അറിവു.

തിരുവിതാംകൂറിന്റെ ഏതു ഭാഗത്താണ് ഇങ്ങനെയുള്ള സ്ഥാപനങ്ങളുണ്ടാക്കേണ്ടതെന്നുള്ളതല്ല ഇവിടത്തെ വിവാദവിഷയം. തിരുവനന്തപുരം പട്ടണത്തിലെ ടൌൺ പ്ലാനിങ്ങ് ജോലി മുനിസിപ്പാലിററി തന്നെ നടത്തണമെന്നും, ഗവൺമെൻറു നടത്തുകയാണെങ്കിൽ അതു കുറെ കഴിഞ്ഞുപോരെ എന്നും ഉള്ളതാണ് എന്റെ വാദം. രാജ്യത്തിന്റെ മററു ഭാഗങ്ങളിലുള്ളവർ ഇവിടെവന്നു തങ്ങളുടെ രോഗികളുടെ രക്ഷയ്ക്കായി ആശുപത്രി വേണമെന്നു പറയുമ്പോൾ സാമ്പത്തികാധഃപതനം തീർന്നാൽ ആശുപത്രി ഉണ്ടാക്കിത്തരാമെന്നു പറയുന്ന ഗവൺമെൻറിനു തിരുവനന്തപുരത്തെ ടൌൺപ്ലാനിങ്ങിനെ സംബന്ധിച്ചിടത്തോളം സാമ്പത്തികാധഃപതനം ബാധിക്കാതിരുന്നതിന്റെ രഹസ്യം മനസ്സിലാകുന്നില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : തിരുവനന്തപുരത്തുള്ള പബ്ളിക്ക് ആഫീസുകൾ എവിടെയെല്ലാമാണു മാറേറണ്ടതെന്നു നിശ്ചയിക്കാൻ ഈ തുക ആവശ്യമല്ലെ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഇതിപ്പോൾ വാദവിഷയമല്ലാത്തതുകൊണ്ടു ഞാൻ ഈ ചോദ്യത്തിനു മറുപടി പറയുന്നില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : ടൌൺ പ്ലാനിങ്ങ് ആക്ട് പാസ്സായി കഴിഞ്ഞോ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഫൈനലായി പാസ്സായിട്ടില്ല.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*) : പബ്ളിക്ക് ആഫീസുകൾ മാററുന്നതിനെ സംബന്ധിച്ചാലോചിക്കാൻ ഇതു വളരെ പണം ചിലവുണ്ടോ?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഇതിന്റെ നൂറിൽ ഒരംശം വേണ്ട. ഇപ്പോൾ ടൌൺപ്ലാനിങ്ങിനു പണം ചിലവുചെയ്യുന്നതു ഒരാഡംബരംപോലെയാണ്. ഇവിടത്തെ അത്യാവശ്യത്തിനു തന്നെ പണമില്ല. അതിനാൽ തിരുവനന്തപുരം പട്ടണത്തിലെ ടൌൺപ്ലാനിങ്ങ് ഗവർമ്മെന്റിന്റെ സാമ്പത്തികനില നന്നാകുന്ന കാലത്തല്ലാതെ ചെയ്യാൻ പാടില്ലെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ധനാഭ്യർത്ഥന പാടെ എതിർത്തുകൊള്ളുന്നു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, I wish to make a few remarks in connection with the discussion on this demand. I do not oppose this demand on the ground that it is going to effect some improvements or some money is going to be spent in Trivandrum. The Chief Engineer has explained that there is a slight mistake in the agenda and the proposal is that the staff is a nucleus for the town-planning of the whole of Travancore so that objection cannot be seriously raised now. I do not doubt for a moment that town-planning is a thing that can be delayed for any length of time without prejudice to the finances of the State as a whole because the more we delay the more will be the cost of working out the scheme in future. That point, I believe, cannot be controverted. Whether town-planning is necessary or not, I do not think this House can go back upon that problem and discuss it because we have agreed on the general principle that town planning is a necessary thing and the towns cannot hope to delay it without seriously endangering the health of the inhabitants as a whole. But I find a difficulty with regard to lending my support to this demand and it is this. Sir, according to a ruling given yesterday, we are not allowed to discuss the general financial policy when we take

[Mr. K. Kunjukrishna Pillai.]

up the supplementary demands. True, we have passed the Town-Planning Bill. We have accepted the necessity of working out a town-planning scheme. But we have not yet been able to discuss the general financial implications in the matter of working out a town-planning scheme in a concrete form. We have not had the opportunity of agreeing to the ruling. We are not in a position to discuss that as a whole. Without allowing the House a general and a free discussion on this huge scheme, however benefitial, urgent or desirable it may be, I do not think the House can give its sanction because it has been denied the opportunity of discussing the financial implications in this scheme. Unless we get an opportunity of discussing it we cannot give support to it. It does not therefore mean that so far as I am concerned, I am against the idea of working out a town-planning scheme. I hold it that it should be worked out immediately and without delay. There is also another difficulty which Mr. Thanu Pillai has just suggested. We have limited the possibility of that difficulty when we were discussing the contribution with regard to the water cess that has to be made, because Government may take up the position that they have worked out this scheme fully and had calculated the actual working expenses and then say taxation to the extend of so many rupees the municipality has to contribute. They will work out mathematically and fix a percentage and ask the municipality to make a contribution. The town may not be able to do that and it may be very dangerous and if the Government are taking such a position at that time they will put the question "did you object to the working out of the town-planning scheme and what business have you to come here and plea that you are unable to pay now?"

MR. E. V. KRISHNA PILLAI (*Kottarakara* Cum *Kunnattur*) : May I know whether the results of the preliminary investigations are submitted to the scrutiny of this House or any committee elected by the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : That is not it. I want to have a general discussion on the financial implications which will come as a natural corrollary to the result of the investigations.

MR. S. CHATTANATHA KARAYALAR (*Pathanapuram* cum *Shencotta*) : Are they not contained in the Town-Planning Bill?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I have not finished my answer. Brfore we sanction the preliminary staff we must be able to know roughly what will be the financial commitments that we are going to make. We must get an opportunity of discussing it. We want to know what will be the relative responsibility of the municipality and the municipal tax-payer with regard to payment of it. All these things have to be considered before we give our sanction to expenses like this.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Without making the preliminary investigations how can that be considered?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It has already been said that a town-planning expert has been in the Town and he has been going about visiting places and examining sites and making proposals. We could get a general idea of it without actually working out in detail. Government should not come and say you did not raise any objection then'. The question of the financial commitment, the relative responsibility of the municipality and all these questions may be raised and we should not delay in giving our views on it with regard to that. (*hear, hear*).

MR. S. CHATTANATHA KARAYALAR (*Pathanapuram* cum *Shencotta*): Are not the provisions already contained in the Town-Planning Bill as settled by the Council?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : What I say is the extent of the financial commitment and the relative responsibility of the municipality and Government regarding the working of the scheme—

MR. S. CHATTANATHA KARAYALAR (*Pathanapuram* cum *Shencotta*) ; Are they not defined in the Town-Planning Bill ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : No, there are various alternative proposals. What Government are going to choose is not known ?

MR. S. CHATTANATHA KARAYALAR (*Pathanapuram* cum *Shencotta*) ; Is not the Town-Planning Bill a self-contained Regulation ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : It may be.

MR. S. CHATTANATHA KARAYALAR (*Pathanapuram* cum *Shencotta*): Can they divert from the principles already laid down in that?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : How can the relative responsibility of the municipality and the Government be determined without knowing whether the municipality is going to work out the scheme or the Government or even a trust which may be constituted for that purpose. Without knowing all these definitely how can we discuss it ?

MR. S. CHATTANATHA KARAYALAR (*Pathanapuram* cum *Shencotta*) Are they not all defined in the Regulation ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It may be defined. Without knowing the specific method going to be adopted with regard to this, how can we discuss it ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Even after deciding the method, should there not be some preliminary investigation and survey ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): The preliminary enquiry for presenting the scheme to us can be understood from the report of the town-planning expert who has already been tentatively appointed. We do not want an exact estimate for discussion but we should get a general idea. Even if all these are available we are not allowed a general discussion on account of the ruling.

PRESIDENT : Your time is up.

I do not see any reason for modifying my ruling. All these general questions must have been discussed when the Bill was discussed. I do not know why it should be discussed now.

MR. A. THANU PILLAI (*Trivandrum*) ; I am sorry I have to oppose the demand as it is made.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Why is the member sorry ?

MR. A. THANU PILLAI (*Trivandrum*) : That will be evident from my speech, Sir. I am behind none else in recognising the necessity for improving the town of Trivandrum. But at the same time my earnestness in that direction should not make me blind to actual facts. I may wish to live the life of a millionaire but I should understand what my financial position is; and I can not take a leap in the dark. No doubt such schemes are generally dealt with in the Town-Planning Bill. I mean that provisions are made therein to the effect that the municipality will work the scheme or the Government will work the scheme or that a Town-Planning Trust may be created for the purpose and that Trust may work the scheme. In any case normally, the expenditure should be met by the municipalities. Any how there is provision that the Government may make grants. The proposal now brought forward is to immediately affect the town of Trivandrum and when other towns are going to be taken into consideration, one cannot say. Whatever that be, I am more intimately connected with the Town of Trivandrum and I do not think I need advance many arguments in support of my position since the discussion comes soon after or even during the pendency of the discussion of the Municipal Regulation Amendment Bill. Sir, it was contented by the Law Member in discussing my amendment in connection with that Bill that I was even estopped from saying that the municipality should not be asked to pay too much because at the time funds were asked for the water works no objections were taken. I do not know what it is that is proposed to be done. It is said that estimates are to be prepared and some schemes are to be worked. That is what the notes supplied to us say. Now this means some work and Government will compel the municipality, whether the municipality likes it are not, to carry out the work. Unless we are told what it is that Government are going to do, what burden the municipality is to shoulder, I for my part, cannot approve of this proposal. I put the definite question to the Chief Engineer whether the municipality has been consulted. He is not in a position to give an answer. So I take it that the municipality's existence has been ignored in this case. If we are to have municipalities they should be respected even by Government. That is my contention. There is no meaning in doing things for the town behind the back of the municipality and then asking or even ordering them to make payments out of their funds. It is for them to decide how far they can afford to give and what work they can take in hand. They ought to be consulted in these things. There should be an understanding between the municipality andthe Government. The town should be improved. There is a provision in the Town-Planning Bill that the municipality can do this work and primarity it is the function of the municipality. Government should step in only to help them. There are provisions even enabling the creation of

a trust in spite of the municipality. When that provision was discussed here I put up a strong opposition. But I was defeated. Now they come forward and say these provisions ought to be put into effect in spite of the municipality. I believe my friends on this side of the House will support me and see that this demand is thrown out.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, I support the motion made by Mr. Tarakan. I heard that more than a lakh of rupees was the amount that was disallowed when he made the first demand during the last budget session. The reason at the time for disallowing this amount asked for by the Chief Engineer at the general budget was that the Government was not in a position to supply all the needs of all the taluks simultaneously. Now, I do not see how the circumstances have changed or what urgent necessity has arisen for changing the policy of Government. Here we see that the Government propose to spend some amount on Trivandrum Town, especially when the people of Trivandrum, as represented by the member for Trivandrum, do not want the grant. Mr. Thanu Pillai, the member for Trivandrum, stoutly opposes the demand. I do not know why then the Government should desire to force this concession on the people of Trivandrum. If the amount was included in the general budget, that would have benefited the rural areas, especially when there was the cry for more money for the benefit of the several rural regions. Mr. Tarakan referred to the Alwaye bridge. This is a necessity which all people in North Travancore feel and the Government should take early steps to provide for constructing a bridge across the Alwaye river. When such more urgent needs are felt in the rural areas I do not think it is proper for the Government to divert whatever amount the State can afford to spend and throw it upon people who are unwilling to receive the benefits thereof.

Again, the demand is in respect of a work to be attended to under the Town-Planning Act. The Act itself is not finally passed. The officers who are to be appointed under the Act are only tentatively appointed and not permanently. In the absence of some permanent guide I do not know how this preliminary staff is going to work. There must be adequate supervision over the preliminary staff that is going to be appointed, without which there will be no good coming out of such a scheme.

Therefore, I do not think it is proper to allow such an amount to be spent and to force upon an unwilling city like Trivandrum a scheme like this.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I oppose the demand. My object in opposing this is to bring to the notice of this House one peculiar feature relating to this demand. The Town-Planning Bill, I am told, has not yet received the Royal assent, and even before that is done, the Government come forward with a proposal for making certain appointments contemplated by the Act. At the time the Bill was introduced for the first time, in this House, we had

[Mr. S. Krishna Pillai.]

observed that the first thing that Government would undertake to do would be to incur some expenditure in the appointment of the town-planning expert and his staff and after that, if the Government have got sufficient funds, they may either proceed with the scheme or drop it altogether if they find that funds at their disposal would not permit of it. Now, we find that the observation made at that time is not absolutely incorrect. Whatever may be the merits of the claims that have now been brought forward by Government, there is one thing that has got to be said and it has to be understood as a very important fact. The thing is—we are told that we are at the fag end of a session although it is called the first session of 1108. It is the first and in all probability it is the last session. If this matter had been brought up in Karkatakam 1107 we would have been in a position to discuss all the merits and demerits of the scheme. When the Pallivasal Hydro-Electric Scheme was brought before this House, the Government thought it fit to place all available materials before the House and asked the House or enabled the House, to discuss it from a proper point of view. We were then in a position to offer certain criticisms and we have now found by experience that Government have grown wiser. That which they thought would cost a sum of 37 or 40 lakhs of rupees is now reported to be likely to consume over fifty lakhs of rupees and I am told that Government are hesitating whether they should undertake such a costly scheme. Rome was not built in a day and Trivandrum also, I am certain, could not be expected to be built in a day. The Chackai-Tampanur Railway extension is one scheme. It was thought that it was for the improvement not only of our Railway investments but of the town itself. The waterworks scheme is another scheme which has been launched by Government. That has provoked a lot of criticism in this House and heartburn amongst the citizens of Trivandrum. Then it was pointed out that when the Government did undertake this scheme, the persons living in this municipality as well as the members of the Municipal Council were all sleeping and did not protest. We offer that protest in this particular case and I suppose it will be in time. Without enabling us to discuss the question at the proper time and without permitting us to be in possession of sufficient acts it is rather improper to ask us to vote for a demand brought in the middle of the year. I also find that it does not come within clause (2) of section 121 of the Standing orders. It must be a case where the need arises during the current year for expenditure for which the vote of the council is necessary upon some new service not contemplated in the Budget for the last year. Now, I ask what is the urgency for this demand. Is it not possible for Trivandrum to wait for another six or seven months when this Council will be in its full sitting and the normal business of the House would be to discuss upon any scheme that will be brought forward. Here, we are, as I said, at the fag end of a session and we are now asked to interpollate a new provision in the Budget and prevent our successors from discussing the merits of a

scheme by saying that it was accepted by the House at a previous session.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Has any scheme been placed before the House?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : The scheme as contemplated by the supplementary demand is before the House. I am equally ignorant of the purport of the scheme as the member asking me. At any rate, the supplementary demand contemplates a scheme.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is it not for a preliminary investigation only?

MR. S. KRISHNA PILLAI (*Karunagapalli*): It is exactly for that purpose. The Government can quite wait for five months more when the proper demand can be brought before the House and when the House can be called upon to discuss the matter. I do not think that having delayed so long, a delay for 5 months more will mean that the whole of Trivandrum will be blown up. Therefore, Sir, a demand, when it is brought, must be brought forward in due form and after taking into consideration all the circumstances under which the members of this House would be placed. And I am of opinion that it is a demand which could wait for some months more when it can be brougt up in proper form. I therefore oppose the demand.

MR. M. GOVINDAN (*Nominated*): Is not an investigation a necessary preliminary to a definite scheme?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes.

MR. M. GOVINDAN (*Nominated*) Therefore, may not a demand be made for a preliminary investigation before a scheme is placed before the House?

MR. S. KRISHNA PILLAI (*Karunagapalli*): If that is a matter which could be thought of in 1107 Karkatagom, it is a matter which could with equal facility be thought of in 1108 Karkatagom and I suppose that we ought not to fetter the liberties of our successors by allowing a scheme to be interpollated into the Budget without fully discussing the merits of the scheme.

MR. M. GOVINDAN (*Nominated*): May I know from the member......

PRESIDENT: The member's time is up, Mr. Govindan.

MR. J. S. WESTERDALE (*Chief Engineer*): I am very glad to say that there has not been considerable opposition to this motion. I know that there is no support in words but I am hoping to have the support in votes. I must first deal with the remarks of Mr. Tarakan who moved the omission of the whole grant. One of his reasons was that we had given no idea of the ultimate cost and Mr. Krishna Pillai also referred to that point. I have only got to say that the object of the funds which I ask you to provide now is to enable me to have a staff for the purpose of preparing plans and estimates in order that we may know what the ultimate cost is. We do not ourselves know what it is at present. And then Mr. Tarakan said that I did not give details of the staff. As a matter of fact I did read out all the provisions to be made in the estimate. There was one Supervisor, 2 Surveyors, one

[Mr. J. S. Westerdale.]

Architectural Draftsman, one tracer and 3 peons. I have allowed the sum of Rs. 242/a month for office contingencies which include the purchase of drawing paper and drawing instruments, for the lascars for carrying the instruments of the Surveyors and for all the incidental expenses of the survey and also for the travelling allowances of the staff employed.

Then, Mr. Tarakan said that the town planning should be taken up by municipal councils and not by Government. Well, that is perfectly true, if the municipalities can afford to do so. But in most cases even where they are taken up by municipal councils it has to be by Government support, either in the form of a grant or of a loan and in every case it is obvious that Government must be satisfied that the scheme is drawn up to their satisfaction if they are going to contribute to the councils. Furthermore, the Regulation, which we hope to pass this session, provides that Government shall advise the municipalities in these matters. Experience elsewhere has shown that such advice is very acceptable to the municipalities and in fact generally amounts to the Government officer in charge of town planning drawing up schemes for the municipalities with the help of the Government staff. So, I do not think that Mr. Tarakan need object to the fact that Government is providing funds for this preliminary work, for it is definitely with the object of helping municipalities to bring forward their own schemes.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member think that this is an urgent matter, a matter which cannot wait for 5 months more ?

MR. J. S. WESTERDALE (*Chief Engineer*) : That was a matter mentioned by Mr. Krishna Pillai in his speech. What I was going to say about that is that, if we do wait for five or six months more, we practically lose one working season and the sooner we have the survey work done, the better. Personally, I think that there has been enough postponement already.

Then Mr. Kunjukrishna Pillai spoke about the financial implications. Well, as I have already stated, this Council can not discuss the financial implications until they have got a scheme ready or at least a skeleton of the scheme is prepared by the Government to be placed before the Council. I believe that in the case of the water-works scheme, I am not certain, but I think I am correct in saying that there was no preliminary investigation sanctioned specifically by this Council. But in this case we have gone one stage further and have informed the House the Government's intention to carry out this investigation and have asked their permission to do so and are asking for the necessary grant. So, I do not see there is any comparison with what took place in the case of the waterworks and the present scheme. Furthermore, now that the Council are aware that Government are intending to carry out this investigation, they will be alive to the possibility of the financial implications and, in any case, any grant for such schemes will have to come before the House for discussion.

Another point in which the House may possibly take an active part is in the preparation of these schemes. I only make it as a suggestion, as I have not yet had an opportunity of putting it up to Government. If by any chance the Town-Planning Trust was created for Trivandrum, there can be no doubt whatsoever that there would be representatives of this House, probably other than those actively representing Trivandrum on such a trust.

Mr. Thanu Pillai opposes the grant on a general apprehension that Trivandrum Municipality may be let in for expenditure in the same way that they have been let in in connection with the water works. Well, it seems to me that the Town-Planning Act is framed definitely to safeguard them against any such happening. Under the Act no town-planning works involving expenditure by the municipality can be undertaken without their knowing something about it and without the municipality being consulted.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it not obligatory on the part of the Government to get the previous consent of the municipality?

MR. J. S. WESTERDALE (*Chief Engineer*): I am not sure about the exact procedure but I can say that it is obligatory upon the Government to consult the municipality before anything is being done.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I think it is not obligatory even to consult the Government.

MR. J. S. WESTERDALE (*Chief Engineer*); I think it is obligatory even if a Town-Planning Trust is created.

MR. A. THANU PILLAI (*Trivandrum*): I wish to know whether it is not possible for Government to bring into effect the tow-nplanning in spite of the opposition of the Municipal Council.

MR. J. S. WESTERDALE (*Chief Engineer*): It is possible to do so but it is not possible to do so without consulting the municipality and Government are not usually entirely unreasonable.

Mr. Abraham opposed the demand on the ground of insufficiency of funds.

MR. A. THANU PILLAI (*Trivandrum*): Is it the suggestion that the municipalities are unreasonable?

MR. J. S. WESTERDALE (*Chief Engineer*): Mr. Abraham opposes it on the ground of insufficiency of funds. All I have to say in regard to that is that this grant does not require any large sum of money. I require only a small sum for drawing up a scheme for the consideration of the Government and the Municipal Council. That is all that I have to say.

PRESIDENT: Do you press your motion, Mr. Tarakan?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : എന്റെ ഉപക്ഷേപത്തെ സംബന്ധിച്ച് പലരും പറഞ്ഞകൂട്ടത്തിൽ മി: താണുപിള്ള, പട്ടണത്തിനുവെളിയിൽനിന്നും വരുന്ന സാമാജികന്മാർ പട്ടണത്തിൽ പണംചിലവുചെയ്യുന്നതു തൃപ്തികരമല്ലാ എന്നുള്ളതിനാൽ ഞങ്ങളും അദ്ദേഹത്തെ അനുകൂലിച്ച് ഈ ഗ്രാൻറ് അനുവദിക്കാൻ സമ്മതിക്കരുതെന്നാ

[Mr. K. P. Kochukora Tarakan]

ണ് അഭിപ്രായപ്പെട്ടതു്. പട്ടണത്തിൽ പണം ചിലവുചെയ്യരുതെന്നുള്ള അഭിപ്രായക്കാരനല്ല ഞാൻ. എന്നാൽ പട്ടണങ്ങളെപ്പോലെ തന്നെ രാജ്യത്തു മററുപല ഭാഗങ്ങളുമുണ്ടെന്നുള്ള ബോധമുണ്ടായി അവിടത്തേയ്ക്കാവശ്യമുള്ള പണം ചിലവുചെയ്യുന്നതുപോലെ പട്ടണങ്ങളിലും ചിലവുചെയ്യേണ്ടതാണെന്നുള്ള വിചാരമേ ഞങ്ങൾക്കുള്ളു. അല്ലാതെ പട്ടണങ്ങളിൽ പണം ചിലവുചെയ്യുന്നതു പുറമെനിന്നും വരുന്ന സാമാജികന്മാക്കു വളരെ വിരോധമാണെന്നു ധരിച്ചിട്ടുള്ളതു അബദ്ധമാണെന്നു് ആദ്യമേ ധരിപ്പിച്ചുകൊള്ളട്ടെ.

ചീഫ് എൻജനിയരുടെ പ്രസംഗത്തിൽ നിന്നും ഈ സംഗതി മുനിസിപ്പാലിററിയുടെ സമ്മതത്തിനു അയച്ചിട്ടുള്ളതായി മനസ്സിലാകുന്നില്ല. മുനിസിപ്പാലിററിയുമായി കൺസൽട്ടുചെയ്തശേഷം ഇതുകൊണ്ടുവന്നാൽ മതിയായിരുന്നു. ടൌൺ പ്ലാനിങ്ങ്ബില്ലിന്റെ സിലക്ട് കമ്മററിയിൽ ഞാനും ഒരു മെംബറായിരുന്നു. മുനിസിപ്പാലിററിയുടെ സമ്മതംകൂടാതെ തന്നെ ഗവണ്മെൻറിനു ടൌൺപ്ലാനിങ്ങ് നടത്താൻ അധികാരം ആ ബില്ലിനാൽ നൽകപ്പെട്ടിട്ടുണ്ടു്. ആ അധികാരം പ്രയോഗിച്ചാണു ഗവണ്മെൻറു് ഈ സംഗതി മുനിസിപ്പാലിററിയോടു് ആലോചിക്കാതെ കൊണ്ടുവന്നിട്ടുള്ളതു്. അതിനാൽ മുനിസിപ്പാലിററിയോടു ആലോചിക്കാതെ കൊണ്ടുവന്നിട്ടുള്ള ഈ സംഗതി നാം പാസ്സാക്കി ആ ഭാരം മുനിസ്സിപ്പാലിററിയുടെ തലയിൽ കയററിവയ്ക്കുന്നതു ഒട്ടും ശരിയല്ല. വാട്ടർ വർക്സ് ഒരു റിപ്രൊഡക്ടീവ് വക്കായി തുടങ്ങിയെങ്കിലും ഇപ്പോഴും അതിനു ചിലവായിട്ടുള്ള പണത്തിന്റെ പലിശപോലും കിട്ടാൻ പ്രയാസമായിരിക്കുന്നു. ൫൦ ശതമാനം വീതം നികുതിചുമത്തിയാലും ൨,൩൦൦൦൦ രൂപായെ കിട്ടുകയുള്ളു എന്നാണു വിദഗ്ദ്ധന്മാരിൽനിന്നും മനസ്സിലാകുന്നതു്. ഈ സ്ഥിതിക്കു അത്യാവശ്യമല്ലാത്ത ജോലികൂടി ഗവണ്മെൻറു ഏറെറടുത്തു ആ ഭാരവും മുനിസിപ്പാലിററിയുടെ തലയിൽ വയ്ക്കുന്നതു് ഒട്ടും ന്യായമല്ല. ഇതിനും പുറമെ തിരുവനന്തപുരം പ്രതിനിധിതന്നെ ഇതാവശ്യമില്ലെന്നും പറയുന്നുണ്ടു്. ഈ കാരണങ്ങളാലും ചിഫ് എൻജിനീയർ പറഞ്ഞ മറുപടി തൃപ്തികരമല്ലാത്തതിനാലും എന്റെ ഉപക്ഷേപം വോട്ടിനിടണമെന്നു ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

MR. J. S. WESTERDALE (*Chief Engineer*): I have nothing more to add.

The motion was then put and carried.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): I demand a poll

A poll was taken with the following result:

AYES—25.

1. Mr. K. P. Abraham
2. Mrs. Anna Chandi
3. Mr. K. C. Chandi
4. ,, A. S. Damodaran Asan
5. ,, K. Gopalakrishna Pillai
6. ,, Joseph Kunju
7. ,, K. P. Kochukora Tarakan
8. ,, K. Krishnan Nayar
6. ,, E. V. Krishna Pillai
10. ,, N. K. Krishna Pillai
11. ,, S. Krishna Pillai
12. ,, Tariatu Kunjitomman
13. Mr. K. Kunjukrishna Pillai
14. ,, K. Madhavan Pillai
15. ,, K. P. Madhavan Pillai
16. ,, M. P. Madhavan Pillai
17 ,, M. Mahomed Mustapha
18. ,, P. S. Mahomed
19. ,, M. N. Narayana Menon
20. ,, K. Narayanaperumal Nadar
21. ,, A. Narayana Pillai
22. ,, K. P. Nilakanta Pillai
23. ,, K. Padmanabha Panikker
24. ,, Rama Varma Raja
25. ,, A. Thanu Pillai

NOES—18.

1. Mr. R. Dhanukoti Pillai
2. ,, K. George
3. ,, A. Kumara Pillai
4. Rao Sahib Dr. N. Kunjan Pillai
5. Mr. C. O. Madhavan
6. , E. G. McAlpine
7. ,, B. Narayana Pillai
8. ,, N. Nilakanta Pillai
9. ,, R. Nilakanta Pillai
10. ,, N. K. Padmanabha Pillai
11. Mr. Kayalam Paramesvaran Pillai
12. ,, S. C. H. Robinson
13. ,, C. N. Srirenganatha Sastri
14. ,, J. S. Westerdale
15. ,, S. Chattanatha Karayalar
16. ,, M. Govindan
17. ,, K. I. Kocheeppan Mappillai
18. Rao Bahadur A. Venkatarama Aiyar.

NEUTRALS—2.

1. ,, K C Karunakaran
2. ,, C. N. Tuppan Namputiripad.

The motion was declared carried, 25 *voting for the motion*, 18 *against* and 2 remaining *neutrals*,

DEMAND X-POLICE.

MR. B. NARAYANA PILLAI (*Commissioner of Police*): Sir, I beg to move for a grant not exceeding Rs. 2,030 under Demand X—Police, (1) for the grant of shorthand allowance of Rs. 5 each per mensem to the 2 English Shorthand Reporters attached to the office of the C. I. D. Inspector of Police, Trivandrum, Rs. 70, and (2) for the appointment

[Mr. B. Narayana Pillai.]

of two additional Prosecuting Inspectors and 1 Inspector of Police for C. I. D. work, Rs. 1,960. In this connection, I beg to state that the two English Short-hand Reporters attached to the C. I. D. Inspector's office, Trivandrum, get only a very small pay. They have to attend the Council, the Assembly and almost all the meetings in Travancore. Their colleagues who have got the very same qualifications get more pay in the Secretariat and in other places. So, the small amount of Rs. 5 is very great for them and it is desirable to grant this amount to encourage them or to satisfy them at least temporarily. So, I request that this demand may be granted.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): May I know what is the *small amount* they are now getting?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): One is a Head-constable drawing Rs 25 per mensem and another Rs. 20-30 per mensem as pay.

The second item is about the appointment of 2 Prosecuting Inspectors.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇപ്പോൾ എത്ര സി. ഐ. ഡി. ഇൻസ്പെക്ടർമാരുണ്ട്.

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ഇപ്പോൾ രണ്ടുപേരുണ്ട്. എന്നാൽ അവരെക്കൊണ്ടു മുഴുവൻജോലിയും ചെയ്യുവാൻ നിവൃത്തിയില്ലാതെ വന്നതിനാൽ രണ്ടുപേരെക്കൂടി ഇപ്പോൾ സ്പെഷ്യൽഡ്യൂട്ടിയായി എടുത്തിട്ടുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പ്രയോജനകരമായ വല്ല ജോലിയും അവർ അവിടെ ചെയ്യുന്നുണ്ടെന്നു മെമ്പർ വിചാരിക്കുന്നുണ്ടോ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ഇപ്പോൾ ഒരു സി. ഐ. ഡി. ഇൻസ്പെക്ടരെ കൂടെ ആവശ്യപ്പെടുന്നതു് ഇപ്പോൾ ഇവിടെ വളരെ കുഴപ്പത്തിൽ കിടക്കുന്ന കള്ളനാണയങ്ങളെപ്പററി അന്വേഷണം നടത്തുന്നതിനാണ്. ഈ വകയ്ക്കായി ഒരു സ്റ്റേഷനിലെ ഇൻസ്പെക്ടരെ രണ്ടുമൂന്നു മാസക്കാലമായി സ്പെഷ്യൽഡ്യൂട്ടിയിൽ നിയമിച്ചിരിക്കയായിരുന്നു. ആ ഇൻസ്പെക്ടർ മാവേലിക്കര, അടൂർ ഈ സ്ഥലങ്ങളിൽ നിന്നും വ്യാജമായ അരരൂപാ നിർമ്മാണഅച്ചുകളോടുകൂടി പുള്ളികളെ പിടിച്ചു. ആ കേസ് അന്വേഷണത്തിലിരിക്കുന്നു. ആലങ്ങാട്ടുനിന്നു ഒററച്ചക്രം അടിക്കുന്നതിനുള്ള കരുക്കളോടുകൂടി ഒരു കേസ് കണ്ടുപിടിച്ചിരിക്കുന്നു എന്നു എനിക്കിപ്പോൾ ഒരു ടെല്ലഗ്രാം കിട്ടിയിട്ടുണ്ട്. ഈ കേസ് ഇപ്പോൾ സ്പെഷ്യൽഡ്യൂട്ടിയിൽ നിയമിച്ചിരിക്കുന്ന ഇൻസ്പെക്ടരാണു പിടിച്ചിരിക്കുന്നതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഇതു് റഗുലർ പോലീസ്ഫോർസിലുള്ളവക്കു ചെയ്യാൻ പാടില്ലേ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): അവർക്കും ഇതന്വേഷിക്കേണ്ട ചുമതലയുണ്ടു്. അവർക്കു മററുജോലികൾ കൂടെയുള്ളതുകൊണ്ടു കള്ളനാണയങ്ങളെപ്പററി അറിവുകിട്ടിയാൽ തുടൎന്നുള്ള അന്വേഷണം നടത്തുന്നതിനു സാവകാശം കിട്ടാതെ വന്നേയ്ക്കാം. ഇങ്ങനെയുള്ള കേസ്സുകൾ തുടരെ തുടരെ അന്വേഷണം നടത്തിയാൽ മാത്രമെ സാധിക്കുകയുള്ളു. ചിലപ്പോൾ ബ്രിട്ടീഷ് അതൃത്തികളിൽപോയി പോലും അന്വേഷണം നടത്തേണ്ടതായിവരും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): "ക്രിമിനൽ ഇൻറലിജൻസ് ബ്യൂറൊ" ഇവിടെ ഉണ്ടോ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): അങ്ങനെ ഒന്നുണ്ടാക്കാൻ ആലോചിക്കുന്നുണ്ടു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അതുകൊണ്ടുള്ള പ്രയോജനം എന്താണു്?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ക്രിമിനൽ ഇൻറലിജൻസ് ബ്യൂറൊ, ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ പഞ്ചാബ്, യൂണൈറെറഡ് പ്രാവിൻസ്, ബങ്കാൾ മുതലായ സ്ഥലങ്ങളിൽ വളരെ പ്രയോജനകരമായ വിധത്തിൽ ജോലിചെയ്യുന്നുണ്ടെന്നു കണ്ടിട്ടുണ്ടു്. അതിൻെറ തത്വം ഇതാണു്. ഒരു ചതിക്കുററം നടത്തുന്നവൻെറ ആസക്തി എപ്പോഴും അതു ചെയ്യുന്നതിൽതന്നെയായിരിക്കും. ഭവനഭേദനംനടത്തി മോഷണം നടത്തുന്നവൻെറ പോക്കു് അതുവഴിതന്നെയാണു്. തെങ്ങിലും അടയ്ക്കാമരത്തിലും കയറി മോഷണംനടത്തുന്നവൻ വീണ്ടും ആ വഴിക്കുള്ള കുററമെ ചെയ്യുകയുള്ളു. ഇങ്ങനെ ഓരോ കുററംചെയ്യുന്നവരുടെ വാസന അതാതുവഴികളിൽകൂടിതന്നെയായിരിക്കും. ഇങ്ങനെ തിരുവിതാംകൂർ ഒട്ടുക്കുള്ള ഓരോകുററക്കാരേയും അവരവരുടെ ആസക്തി അനുസരിച്ചു തരംതിരിച്ചു വയ്ക്കുക. ഇതിനെ ഇംഗ്ലീഷിൽ *modus operandi* എന്നുപറയാം. ഇപ്പോൾ ഏററുമാനൂരിൽ ഭേദിച്ചു മോഷണം ഒന്നു നടന്നു എന്നിരിക്കട്ടെ. ഈ മോഷണം നടന്നതു് ഓട്ടിൻെറ മുകളിൽകൂടി കയറിയാണൊ, തുരങ്കംവച്ചിട്ടാണൊ, പൂട്ടുമുറിച്ചിട്ടാണൊ എന്നറിഞ്ഞശേഷം അതുപോലെയുള്ള കുററം മുമ്പുചെയ്തിട്ടുള്ള ആ സ്ഥലത്തിനു സമീപം താമസിക്കുന്നവരായ കേഡികളെ വാച്ചുചെയ്യുക. കൃത്യദിവസം അവർ എവിടെ ആയിരുന്നു; സ്ഥലത്തുണ്ടായിരുന്നൊ?

[Mr. B. Narayana Pillai.]

എന്നൊക്കെ അന്വേഷണം നടത്തിവരുമ്പോൾ കുററക്കാരനെ എളുപ്പത്തിൽ കണ്ടുപിടിക്കാൻ സാധിക്കും. ഇതാണ് ക്രിമിനൽ ഇന്റെലിജൻസ് ബ്യൂറൊകൊണ്ടുള്ള ഉപയോഗം.

MR. P. S. MAHOMED (*Nominated*): ഇപ്പോൾ എത്ര പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാരുണ്ട്?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ആറു പേരുണ്ട്.

MR. P. S. MAHOMED (*Nominated*): കൂടുതൽ രണ്ടുപേരുടെ ആവശ്യം എന്താണ്?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ഇപ്പോഴിരിക്കുന്ന കോടതികൾ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാക്ക് വീതിച്ചുകൊടുത്തു നോക്കിയപ്പോൾ ഒരു ഇൻസ്പെക്ടർ ശരാശരി ഒൻപതു കോടതികളിലെ കേസുനടത്തേണ്ടതായിട്ടാണ് ഇരിക്കുന്നതു്. തിരുവിതാംകൂറിലെ ഏറിയ കണക്കെടുത്തു നോക്കുന്നപക്ഷം ഒരു പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടരുടെ അതൃത്തി ൨൦൦-ൽ ചില്വാനം ചതുരശ്രമൈൽ ദൂരമാണു വരുന്നതു്. കോടതിയിൽ കേസുനടത്തേണ്ട പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർക്ക് ഈ ഏര്യായുടെ കണക്കുനോക്കേണ്ട ആവശ്യമെന്താണെന്നു ചോദിക്കുമായിരിക്കാം. അതിലേക്കുള്ള സമാധാനം ഇതാണ്. ഒരു കൃത്യം നടന്നുകഴിഞ്ഞാൽ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർ കൃത്യസ്ഥലത്തു ആദ്യമായിചെന്നു പരിശോധിച്ചു പഠിക്കേണ്ടതായിട്ടുണ്ട്. ഇങ്ങനെ പഠിച്ചശേഷം സ്റ്റേഷനിലെ കേസ് ഡയറി പഠിക്കണം. ഇങ്ങനെയുള്ള ജോലികളെല്ലാം പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർക്ക് ഒഴിച്ചുകൂടാൻ പാടില്ലാത്തതാകയാൽ ഒരിൻസ്പെക്ടർ പോകേണ്ടുന്ന കോടതികളിലുംപോകുന്നതിന് അയാൾക്ക് ൩ ദിവസംമാത്രമെ കിട്ടുകയുള്ളൂ. രണ്ടു മൂന്നു കോടതികളിൽ ഒരാൾക്ക് ഒരു ദിവസം ഹാജരാകാൻ സാധിക്കുന്നതല്ല. ഇതുകൊണ്ടാണു മജിസ്ട്രേട്ടുകോടതികളിൽ കെടിപ്പുകൾ ധാരാളം വരുന്നതു്.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*). ബി. എൽ. പാസ്സായ ഇൻസ്പെക്ടർമാരുണ്ടല്ലൊ. അവരെകൊണ്ടു കേസ്സുനടത്തിക്കരുതൊ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ക്രിമിനൽപ്രൊസിഡ്യുവർകോഡനുസരിച്ചു ൪൯൩-ാംവകുപ്പാണെന്നു തോന്നുന്നു, കേസന്വേഷണം നടത്തുന്ന ഇൻസ്പെക്ടർ പ്രാസിക്യൂഷൻ നടത്താൻ പാടില്ലെന്നു തടഞ്ഞിട്ടുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഹെഡ്കാൺസ്റ്റബിളിനെക്കൊണ്ടു കേസു ചാർജ്ജ് ചെയ്യിച്ചിട്ടു ഇൻസ്പെക്ടർക്കു പ്രാസിക്യൂഷൻ നടത്തരുതൊ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ഒരിക്കലും പാടില്ല. സ്റ്റേഷൻ ഹൌസ് ആഫീസരാണ് കേസ്സ് ചാർജ്ജുചെയ്യേണ്ടതു്. അതു ഇൻസ്പെക്ടരാണ്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഹെഡ്കാൺസ്റ്റബിൾമാർ കേസ് അന്വേഷിച്ചു ചാർജ്ജു ചെയ്യുന്നുണ്ടെന്നറിയാമൊ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): ചില കേസ്സുകൾ അന്വേഷിക്കാൻ ഇൻസ്പെക്ടർ ഹെഡ്കാൺസ്റ്റബിളിനെ ചുമതലപ്പെടുത്താറുണ്ടു്. ഇൻസ്പെക്ടർ അന്വേഷിക്കാൻ പറയുന്ന കാര്യങ്ങൾ അന്വേഷിക്കാൻമാത്രമെ അയാൾക്കധികാരമുള്ളു. ഫയിനൽറിപ്പോർട്ടു് അയക്കാനുള്ള അധികാരം അയാൾക്കില്ല. അതു് ഇൻസ്പെക്ടർക്കാണുള്ളതു്.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the present C. I. D. Inspectors are discharging their duties to the best satisfaction of the Government and the Commissioner?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): They are.

MR. K. NARAYANA PERUMAL NADAR (*Agastisvaram*): Then what is the necessity for additional C. I. D. Inspectors?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): An additional Inspector is necessary for detecting counterfiet coin cases. So, if one more Inspector is deputed for the work he will be able to find out more cases.

MR. JOSEPH KUNJU (*Chaganachery* cum *Peermade*): വളരെ കേസ്സുകൾ കെട്ടിക്കിടപ്പുള്ളതുകൊണ്ടാണൊ കൂടുതൽ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാരെ ആവശ്യപ്പെടുന്നതു്.

MR. B. NARAYANA PILLAI (*Commissioner of Police*): അതെ. ഇവിടത്തെ ഡിവിഷൻഒന്നാംക്ലാസ് മജിസ്ട്രേട്ടുകോടതിയിൽ മിനിഞ്ഞാന്നുവരെ പ്രസിക്യൂഷൻ ഇൻസ്പെക്ടരുടെ ചാർജ്ജിലിരിക്കുന്ന കേസ്സുകൾ ൩൬൩ ആണ്. കോട്ടയം ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ടിന്റെ ലറ്റർഅനുസരിച്ചു പ്രിലിമിനറി എൻക്വയറിക്കുള്ള ൧൧ സെഷൻ കേസ്സുകൾ പൊൻകുന്നംമജിസ്ട്രേട്ടുകോടതിയിൽ കിടപ്പുണ്ടെന്നു കാണുന്നുണ്ടു്. കേസ്സുകെട്ടിക്കിടപ്പിനെസംബന്ധിച്ചു ൧൯൧൯-ൽ കേതിവിലാസത്തുവച്ചു് അന്നത്തെ

[Mr. B. Narayana Pillai.]

ദിവാൻജിയുടെ അദ്ധ്യക്ഷതയിൽ ഡിസ്ട്രിക്ടുമജിസ്ട്രേട്ടന്മാരുടെ ഒരു കാൺഫറൻസു നടന്ന അന്നു, അതായത് ൨൦ കൊല്ലത്തിനു മുമ്പു പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാരുടെ എണ്ണം തീരെ കുറവാണെന്നു അഭിപ്രായപ്പെട്ടു. എന്നാൽ അന്നു പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാൎക്കും പുറമേ കേസ്സന്വേഷിക്കാൻ അധികാരമുള്ള സൎക്കിൾഇൻസ്പെക്ടർമാരും ഉണ്ടായിരുന്നു. ഇപ്പൊഴാകട്ടെ സൎക്കിൾ ഇൻസ്പെക്ടർമാരെ നിൎത്തലാക്കിയതുകൊണ്ടു കേസന്വേഷിക്കാൻ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാർ മാത്രമേ ഉള്ളു. ഇപ്പോൾ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാൎക്കു മററുകേസ്സുകൾ നടത്തേണ്ടതിനും പുറമെ ഫാറസ്റ്റ്, അഞ്ചൽ കോവാപ്പറേറ്റീവ് തുടങ്ങിയുള്ള പലഡിപ്പാർട്ടുമെൻറുകളിലേ കേസ്സുകളും നടത്തേണ്ടതായിട്ടുണ്ടു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): കേസ്സുകൾകെട്ടിക്കിടക്കുന്നതിനുള്ള കാരണം ഇപ്പൊഴുള്ള പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർമാരുടെ അപ്രാപ്തികൊണ്ടാണെന്നുവരരുതോ ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*) അവരുടെ അപ്രാപ്തികൊണ്ടല്ല, നേരെമറിച്ചു physical impossibility കൊണ്ടാണു്; ഞാൻ മുമ്പുപറഞ്ഞതു പൊലെ ഒരു ഇൻസ്പെക്ടർക്കു രണ്ടുമൂന്നുകോടതികളിൽഒരേദിവസം ഹാജരാകുവാൻ നിവൃത്തിയില്ലല്ലൊ.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I rise to a point of order. The member has taken about 15 minutes.

PRESIDENT: I have allowed it on purpose, so that he may answer the questions that are put to him.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Are Head Constables allowed to charge cases?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): Not here. an British India that is allowed.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇവിടെയും ചിലസ്ഥലങ്ങളിൽഅങ്ങിനെനടക്കാറില്ലേ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): അതൊക്കെ വളരെ നിസ്സാരമായ കേസ്സുകളാണു്. ഒരാളിനെ മറെറാരാൾ ചീത്തപറഞ്ഞു എന്നിങ്ങനെയുള്ള കേസ്സുകൾക്കു ചിലപ്പോൾ ഹെഡ്കാൺസ്റ്റബിൾ കോടതിയിൽ പോയി നിന്നു എന്നും വരാം മററുകേസ്സുകൾക്കു അതുപാടില്ല.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഇപ്പോഴുള്ള ഇൻസ്പെക്ടർമാർക്കു് അസിസ്റ്റാൻറായി രണ്ടു ഹെഡ്കാൽസ്റ്റബിൾമാരെ വച്ചാലുംപോരെ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): അതു പോരാ. പ്രതിഭാഗത്തുള്ള വക്കീലിന്റെ തോതനുസരിച്ചു വേണമല്ലോ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടർനില്ക്കേണ്ടതു്?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : പ്രധാനപ്പെട്ട കേസ്സുകൾ പ്രാസിക്യൂട്ടിങ്ങ് ഇൻസ്പെക്ടരെക്കൊണ്ടു നടത്തിക്കയും ബാക്കിയുള്ളവ ഹെഡ് കാൺസ്റ്റബിൾമാരെ കൊണ്ടു നടത്തിക്കയും ചെയ്താൽ പോരെ?

MR. B. NARAYANA PILLAI (*Commissioner of Police*): അതുപാടില്ലെന്നു ചട്ടം തടുത്തിരിക്കയാണു്.

PRESIDENT : Mr. Tarakan, do you move your moiton ?

MR. KOCHUKORA TARAKAN: I do not move the motion.

The following motion was not moved.

MR. K. P. KOCHUKORA TARAKAN :

To reduce the allotment of Rs. 1,960 for appointing two Prosecuting Inspectors and one C. I. D. Inspector by Re. 1.

PRESIDENT : Anybody else who wishes to speak on this motion ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : With reference to the appointment of one more Prosecuting Inspector, I propose to support the Police Commissioner. From the nature of the question that was addressed to the Commissioner from this side of the House I understand the necessity for two more Prosecuting Inspectors......

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): A point of order.

PRESIDENT : Those who are in favour of the proposal would help a great deal if they would not make any observations.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The Police Commissioner strongly contended that the work of the Police had increased in the town of Trivandrum so much so there is necessity for two Prosecuting Inspectors. Now we will look at the work of the Prosecuting Inspectors attached to the Trivandrum Town. I am a lawyer who has to go to mofussil stations and Magistrates' Courts for conducting cases and from my experience the business of the officer is to prosecute cases started by the Police. I am sorry to state that a lot of trouble and inconvenience is caused to the general public on account of the absence of necessary officers.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : May I remind the member that ampler and more convincing explanations have been already given by the Commissioner of Police ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That may be the opinion of the member. But I opened my remarks by saying that from the nature of the question put to the Commissioner from this side of the House, some doubt was held about the necessity for appointing

[Mr. K. P. Nilakanta Pillai.]

more Prosecuting Inspectors. If the members do not want me to cite instance after instance about the conduct of the Police, I would go out of the way to support the Police Commissioner's point. As a matter of fact, in regard to the work of the Prosecuting Inspector attached to Trivandrum, I state this much for the information of the House. Monday is allotted for him to prosecute cases in the local Magistrate's Court, Tuesday he is expected to be at Attingal, Wednesday at Nedumangad, Thursday he has to go to Neyyattinkara.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I rise to a point of order. All that Mr. Nilakanta Pillai says is a clear repetion of what the Commissioner stated.

PRESIDENT: Mr. Nilakanta Pillai, it is a clear waste of time of the House. (Mr. E. V. Krishna Pillai, hear, hear.)

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Am I to speak, Sir? (Laughter).

PRESIDENT: If you have to speak on any new point, you may do so.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have nothing to say then.

PRESIDENT: I put to the vote of the House, demand X—Police for Rs. 2,030 under two separate heads.

The motion was put and carried and the grant was made.

DEMAND XI—GENERAL ADMINISTRATION.

MR. K. GEORGE (*Chief Secretary to Government*): I rise to move for a grant of Rs. 167 for the continuance of the clerk typist in the Political Section till the 5th Meenam 1108. That appointment is now provided in the Budget for 1108 until the end of Thulam only. The temporary period of the Political Secretary has been extended and fixed until the 5th Meenam 1108 and the services of the clerk are required in connection with the drafting work of the Electoral Rules at which one Assistant Secretary is now engaged.

MR. A. THANU PILLAI (*Trivandrum*): I wish to know something about the volume of work that this Political Section is doing.

MR. K. GEORGE (*Chief Secretary to Government*): At present, the Section is mostly engaged in drafting the Electoral Rules and the work to be done in connection with the inauguration of the reforms.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Have not all the Rules been copied and finally drafted?

MR. K. GEORGE (*Chief Secretary to Government*): Rules relating to the Assembly have been drafted. The preliminary work alone has been pushed through; but there is a good deal of work to be done.

MR. A. THANU PILLAI (*Trivandrum*): May I know who is attending to the drafting of the Rules?

MR. K. GEORGE (*Chief Secretary to Government*): One Assistant Secretary has been placed on special duty.

MR. A. THANU PILLAI (*Trivandrum*): I suppose he has clerks under him.

MR. K. GEORGE (*Chief Secretary to Government*) : For the work of the Political Section, Government also have given from the Administrative Secretariat itself two clerks and one typist.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there not a temporary typist sanctioned for this Section over and above the sanctioned strength?

MR. K. GEORGE (*Chief Secretary to Government*) : Yes, his period expires at the end of Thulam 1108.

MR. A. THANU PILLAI (*Trivandrum*) : May I know from the member who is now doing the Political Secretary's duties.

MR. K. GEORGE (*Chief Secretary to Government*) : Before the Political Secretary left for England, his duties were mainly confined to the inauguration of the reforms and the working of the Rules thereunder. Since he left, that duty is now entrusted to one of the Assistant Secretaries for which purpose he requires the whole staff. Some of the items of work which the Political Secretary was attending to are being done in that Section. But the Assistant Secretary who is now placed on special duty is not attending to the disposal of the general items of work which fell to the lot of the Political Secretary. Such items of works are submitted to the Chief Secretary direct and the disposal is through the General Secretariat.

MR. A. THANU PILLAI (*Trivandrum*) : Is that Assistant Secretary in charge also of the political work?

MR. K. GEORGE (*Chief Secretary to Government*) : He is on special duty.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*) : May I know from the member the special significance attached to the date 5th Meenam?

MR. K. GEORGE (*Chief Secretary to Government*) : The Political Secretary's term has been extended up to that period and so the clerk's period has to be extended.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*) : Is it with reference to the particular work devolved on him, his term is being extended?

MR. K. GEORGE (*Chief Secretary to Government*) : It is expected that the clerk will have work so long as the Political Secretary's period continues.

MR K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : പൊളിററിക്കൽ സെക്രട്ടറിയുടെ ആഫീസിൽ ഒരു ടൈപ്പിസ്റ്റ് ക്ലാക്കിന്റെ ജോലിതുടൎന്നു കൊണ്ടുപോകുന്നതിനായി ആവശ്യപ്പെട്ടിരിക്കുന്നതു ഒട്ടും ആവശ്യമില്ലാത്തതാണെന്നു പറഞ്ഞുകൊണ്ടു ഞാൻ അതിനെ എതിൎത്തുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. Tarakan says that the work of the Political Secretary is not satisfactory, and so the work of the typist in his office is not satisfactory and so on. That is not relevant.

PRESIDENT: Is it his intention to say that because the work of the Secretary is not satisfactory, typist should not be allowed to him?

MR. K. P. KOCHUKORA TARAKAN (*Kunnatand*): പൊളിററിക്കൽ സെക്രട്ടറിതന്നെ ആവശ്യമില്ലെന്നാണെൻെറ അഭിപ്രായം. അതിവിടെ പ്രസ്താപിക്കുന്നതിനു നിവർത്തിയില്ലാത്തതിനാൽ ടൈപ്പിസ്ററു് ക്ലാർക്കു വേണ്ട എന്നുപറഞ്ഞതാണു. ദേഹത്തെപ്പററി മിണ്ടിക്കൂടെന്നുപറയുമ്പോൾ അതിൻെറ കയ്യും കാലും വെട്ടി ഇട്ടാൽ ആ ദേഹംകൊണ്ടുപയോഗമുണ്ടാകുകയില്ലല്ലോ. അതു പോലെ ടൈപ്പിസററു് ക്ലാർക്കും മററുള്ള സിൽബന്തിമാരും ഇല്ലാതാക്കിയാൽ പൊളിററിക്കൽ സെക്രട്ടറിയുടെ ആവശ്യം തന്നെ ഇല്ലാതാകും. സാധാരണകൗൺസിൽമെമ്പറന്മാർ അങ്ങനെ ചെയ്യാറുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. To attack the work of the Political Secretary by attacking the typist cannot be allowed in this debate.

PRESIDENT: You are not in order. I put to the vote of the House Demand XI—General Administration for Rs. 167.

The grant was made.

XIII. ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move for a grant not exceeding Rs. 1,005 for the establishment of new Village Panchayat Courts at Eraniel, Chirayinkil and Shertallai. The Laws Delays Commissioner, amongst other proposals, recommended the establishment of 3 new Village Panchayats as named above. This recommendation has been considered by Government and they are of opinion that those would be useful institutions. Accordingly, they propose to institute the courts. For each court, some staff is necessary. The usual staff granted to a Panchayat Court is one clerk and 3 peons. It is for the expenses relating to the staff for these three courts that I am asking for a grant not exceeding Rs. 1,005.

MR. A. NARAYANA PILLAI (*Vaikam*): The date of the establishment, please?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is proposed to bring them into existence on the 1st Makaram 1108.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ഈ മൂന്നു സ്ഥലത്തു മാത്രം പഞ്ചായത്തുകോടതി വേണമെന്നുപറയുന്നതിൻെറ ഉദ്ദേശമെന്തെന്നറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ലാസ്ഡിലേസ് കമ്മിഷണർ അങ്ങനെയാണഭിപ്രായപ്പെട്ടിരിക്കു

ന്നു്. ഹൈക്കോടതിയുടെ അഭിപ്രായം ചോദിച്ചപ്പോഴും അവിടെ പഞ്ചായത്തുകോടതികൾ സ്ഥാപിക്കേണ്ടതാണെന്നു പറഞ്ഞു.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What have the Government done in regard to the other recommendations of the Laws Delays Commissioner?

PRESIDENT: That does not arise. I put to the vote of the House Demand XIII—Administration of Justice for Rs. 1,005. I take it the House passes it.

The grant was made.

XVI—CENSUS.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I beg to move for a grant not exceeding Rs. 750 for the translation of the Census Report of 1931 into Malayalam. I have to state that it was not possible for me to include this provision,in the Budget for the current year, because at that time I did not know how big the report would be and what provision would be required for its translation. Now the English Report is nearly ready and I know how much it will cost for translation. The necessary provision has been granted by Government subject to the Council's sanction. So, I come to you with a supplementary grant. In this connection, I may say that the previous reports were translated into Malayalam and it is certainly desirable to have the present report also translated.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know from the member what was the amount granted for this purpose in previous year or years?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): In 1921, the report was translated into Malayalam by the then Head Translator outside his office hours. For that purpose he was given an honorarium of Rs. 400. The members may note that it was a report containing 160 pages only. In the year 1911 the report was translated by a special staff. A translator was appointed and he was given, a special staff. The cost then came to about Rs. 750 for 6 months. The present report is about three times the size of the 1921 report and if we give an honorarium to the present Head Translator or some other translator as in 1921, the amounts will come to about Rs. 1,200. This is too costly, and I have therefore proposed that a special staff should be appointed to work under my direction and supervision. Within six months it will be possible to have the work done.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is six months' time sufficient for that?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): A special staff working under my supervision and direction for six months is, I think, ample.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Is not the report a Government publication? Will not the Government Translator do for that?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Yes, it is a Government publication. I do not think that the Government Translator will be able to do the work even in a couple of years if he is asked to do it along with his routine work. The English report will be published in the near future, say a fortnight hence.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Why not a provision be made for Tamil translation of the report? Why should there be Malayalam translation alone?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*). It was so in previous years. Government consider the Malayalam translation necessary and so provision is made for Malayalam translation.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, am I to understand from the member that there are no Tamilians interested in the Tamil translation of the report?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I know there are Tamilians in the State of Travancore. According to census figures of 1931, there are one million and 126 thousand Malayalam literates as against 98 thousand Tamil literates. So great is the difference. Further, previous reports were not translated into Tamil. Government are of opinion that Malayalam translation is absolutely necessary.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സെൻസസ് റിപ്പോൎട്ട് മലയാളത്തിൽ തൎജ്ജിമചെയ്യേണ്ട ആവശ്യമുണ്ടെന്നു വിചാരിക്കുന്നുണ്ടോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): ഉണ്ടെന്നാണു വിചാരിക്കുന്നതു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ റിപ്പോൎട്ടുകൊണ്ടു മലയാളം അറിയാവുന്നവൎക്കാണൊ അധികം ഉപയോഗം, അതല്ല ഇംഗ്ലീഷറിയാവുന്നവൎക്കാണൊ അധികം ഉപയോഗം?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): രണ്ടുകൂട്ടൎക്കുമുണ്ടു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇതിൽ ആൎക്കാണു അധികം ഉപയോഗമുള്ളതു്?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): മലയാളം അറിയാവുന്നവൎക്കായിരിക്കാം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെയാണെങ്കിൽ അതുആദ്യമേമലയാളത്തിൽതന്നെഎഴുതിയാൽപോരായിരുന്നോ(ചിരി)?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): അതിലേക്കു വേറെ ഒരു സെൻസസ്കമ്മീഷണരെ നിയമിക്കേണ്ടതായിരുന്നു.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): അപ്പോൾ ഇപ്പോഴത്തെ സെൻസസ്കമ്മീഷണൎക്കു മലയാളം അറിഞ്ഞുകൂടെന്നാണോ മനസ്സിലാക്കേണ്ടതു്?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): അതു സെൻസസ്കമ്മീഷണർ മലയാളത്തിലെഴുതിയിട്ടുള്ള പുസ്തകങ്ങൾകൊണ്ടും ലേഖനങ്ങൾകൊണ്ടും നിശ്ചയിക്കേണ്ട ഒരു സംഗതിയാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the English report ready, please?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Nearly ready. I will be able to publish it in the course of two weeks.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnatlur*): Can the member re-assure the House that the present Head Translator will not have anything to do with translation of the report?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): My proposal is to have a special staff who will work under my supervision. It is for the Government to decide whether the Head Translator should have anything to do with this translation.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇതിലേക്കു പ്രാപ്തിയുള്ളവരെതന്നെ നിയമിക്കുമോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*) അങ്ങനെയാണു വിചാരിക്കുന്നതു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഗവണ്മെൻറിൻെറ ഇപ്പോഴത്തെ മലയാളത്തിലുള്ള ചില പ്രസിദ്ധീകരണങ്ങൾ തീരെ വായിക്കാൻ കൊള്ളുകയില്ല; അതുകൊണ്ടു ചോദിക്കുന്നതാണ്.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): അങ്ങനെ ഒരു തകരാർ വരരുതെന്നു വിചാരിച്ചാണു ഇതിലേക്ക് ഒരു പ്രത്യേകസ്റ്റാഫ് വേണമെന്നും അവർ എൻെറകീഴിൽതന്നെ വേല ചെയ്യണമെന്നും പറഞ്ഞതു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അപ്പോൾ ഇപ്പോഴുള്ള ഗവണ്മെൻറിൻെറ മലയാള പ്രസിദ്ധീകരണങ്ങളുടെ ന്യൂനത മെമ്പർ ശരിയായി കണ്ടു പിടിച്ചിരിക്കുമല്ലൊ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): മലയാള പ്രസിദ്ധീകരണങ്ങൾ മുഴുവൻ ഞാൻ വായിച്ചു നോക്കിയിട്ടില്ല.

PRESIDENT: I take it that the House has no objection to the demand under Census being passed.

The demand was passed and the grant was made.

DEMAND XX.—REGISTRATION.

MR. K. GEORGE (*Chief Secretary to Government*): I beg to move for a grant not exceeding Rs. 100 for the appointment of two temporary additional clerks in the office of the Registrar of Joint Stock Companies.

[Mr. K. George.]

The Registrar has reported to Government that he wants strengthening of his office by the addition of two clerks immediately in connection with the preparation of the Administration Report of his department. He followed that recommendation by a letter to say that his office requires strengthening by the addition of 6 or 7 clerks. He has pointed out that the number of Companies working in the State has risen from 300 in 1097 to over 1020 in 1108. But the staff has remained the same and the work has considerably increased, nearly four times.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know what is the increase during the period from Karkadakam 1107 and Vrischikam 1108?

MR. K. GEORGE (*Chief Secretary to Government*): 300 companies.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it in the total number of companies?

MR. K. GEORGE (*Chief Secretary to Government*): 300 was the number registered in 1097 and 1020 nearly in 1108, at this time of the year.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is the increase in the number of companies between Karkadakam 1107 and 1108 Vrischikam? The member said just a while ago that it was 837 in 1-12-1107 and 1020 in 1-3-1108.

MR. K. GEORGE (*Chief Secretary to Government*): The number of companies has considerably increased.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the number made up of Insurance Companies or of private companies also?

MR. K. GEORGE (*Chief Secretary to Government*): I am only speaking of registered companies.

MR S. KRISHNA PILLAI (*Karunagapalli*): Once the company is registered should it not file documents?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, it has to undergo all formalities as per the Companies Regulation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Should the Administration Report contain the details about these companies also?

PRESIDENT: What do you say to that?

MR. K. GEORGE (*Chief Secretary to Government*): That is what I am saying, Sir. The increase in the number of companies has given abnormal work to the office of the Registrar of Joint Stock Companies. The proportion of companies comes to 1: 3 from 1097 to 1108. The Registrar has brought it to the effective notice of Government in more than two or three correspondence. Along with the abnormal routine work in his office, he has also to prepare an Administration Report, for which he requires two additional hands and that only for a temporary period.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is this additional staff for writing out the Administration Report?

MR. K. GEORGE (*Chief Secretary to Government*): Also for that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know what was done in previous years for writing out the Administration Report?

MR. K. GEORGE (*Chief Secretary to Government*): No staff was given for this purpose.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know then, what necessity there is for the staff in 1108?

MR. K. GEORGE (*Chief Secretary to Government*): I shall read, for the information of the House, what the Registrar of Joint Stock Companies has written.

> "During 1107, as many as 275 companies were registered and the figures for the preparation of the Annual Report for 1107 have thus to be collected and compiled with respect to 830 companies. This increased work has to be got done by the present staff of the office.
>
> Owing to the large increase in new companies (275 in 1107 and 218 up-to-date in 1108) the routine work in the office has become so heavy that arrears are accumulating day to day and the staff is quite unable to cope with it fully. Under the circumstances, the preparation of the Annual Report and statistics, in addition to current work, is well nigh imposible for the small staff available here. Therefore, when the clerks are deputed for the Annual Report Work, the current work will accumulate to such a large extent that it cannot be easily finished even after the Report work is over. It may also be observed that this period of the year is the season for companies to send their annual returns for 1107.
>
> In the circumstances, I would recommend a temporary additional staff of two clerks on Rs 25 per mensem each, one typist on Rs. 20 per mensem and a peon on Rs. 9 per mensem, and I submit that this may be sanctioned as an urgent measure."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For how many months is this provision required?

MR. K. GEORGE (*Chief Secretary to Government*): For two months and that is in connection with the preparation of the Administration Report.

MR. S. KRISHNA PILLAI (*Karunagapalli*); Is there any special staff sanctioned for any other department for the preparation of Administration Reports?

MR. K. GEORGE (*Chief Secretary to Government*): In the Co-operative department, the Co-operative Inspectors are specially engaged in the Registrar's Office for this purpose.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know from the member, whether there is any additional expense incurred in regard to this?

MR. K. GEORGE (*Chief Secretary to Government*): I am not quite sure of that.

MR. S. KRISHNA PILLLAI (*Karunagapalli*): Is there any additional staff sanctioned for the Secretariat?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

PRESIDENT: Please confine your remarks to the point in question.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Just to ascertain whether there is any necessity for appointing a special staff, I have to ask such questions. My information is that there is no extra staff sanctioned for Secretariat. By what other means can we ascertain the necessity for a particular work to be done by a special staff. Hence, I have a right to put that question.

PRESIDENT: No.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know the strength of the present staff in the office of the Registrar of Joint Stock Companies?

MR. K. GEORGE (*Chief Secretary to Government*): 1 Auditor,
1 Head Clerk,
1 Accountant and
4 Clerks.

Two clerks more are wanted only for two months.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it for attending to special work along with normal work of the office?

MR. K. GEORGE (*Chief Secretary to Government*): The Registrar also says that there is unprecedented arrears of routine work because of insufficient strength of the office.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it the member's opinion that a large number of companies have come into existence after the 1st Chingom up to now *i. e.*, Vrischigom 1108?

MR. K. GEORGE (*Chief Secretary to Government*): The two clerks are needed only for two months.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Am I to understand then that afterwards they could be quite free?

MR. K. GEORGE (*Chief Secretary to Government*): The Registrar says that the work has fallen in heavy arrears. Besides that, the preparation of Administration Report is an important matter. For all these, he asks only two clerks and that for a period of two months.

PRESIDENT: I take it there is no objection to the demand.

The grant was made.

DEMAND NO. XXIV—ANCHAL.

MR C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) Sir, I beg to move for a supplementary grant not exceeding Rs. 1925 under Demand XXIV—Anchal, for the following purposes.

Rs. 735 for the appointment of seven temporary additional clerks, 5 in the Anchal Offices and 2 in the Anchal Superintendent's Office, on Rs. 15 per mensem.

Rs. 70 for the conversion of the non-departmental Anchal Office at Thazhakara into a departmental Anchal Office.

Rs. 1,170 for the appointment of 8 additional clerks in the Anchal Offices for Savings Bank work on Rs 20 each per mensem.

With your permission, Sir, I shall speak about the necessity for the provision under each item.

In regard to the first, the Anchal Superintendent has brought to the notice of Government that the work in certain Anchal Offices like Perinad, Quilon, Alleppey, Kundara and Mavelikara have increased abnormally of late, owing to the coming into prominence of several Insurance Companies and that consequently the present staff in those offices find it extremely difficult to cope with the increased work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is the member in order to read from manuscripts? It has been ruled by the President, that manuscript eloquence cannot be allowed.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) I am only referring to some notes. I have jotted them down for my reference.

PRESIDENT: You may refer to that.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): He has also stated that the phenominal increase of work in the above offices has had the ultimate and inevitable effect of increasing the work in his office also. To relieve the congestion of work in the Anchal Offices and also in the Superintendent's Office, it is reported that at least 7 temporary clerks on Rs. 15 each per mensem, 5 for the above anchal offices and 2 for the Anchal Superintendent's Office, have to be appointed for the remaining 8 months of the year in addition to the existing staff. Government concur in the Superintendent's proposal. The provision required is Rs. 735.

In regard to the second, the Anchal Superintendent has written to say that the non-departmental Anchal Office at Thazhakara in the Mavelikara Taluk has of late risen much in importance. The Superintendent has stated that if this office is converted into a departmental one, it will afford greater convenience to the public and will lead to a further increase in the income. The income from the office in the first 9 months of 1107, when the recommendation was made, was Rs. 456, while the expenditure was only Rs. 90. He has therefore recommended that the Anchal Office at Thazhakara may be departmentalised.

MR. RAMA VARMA RAJA (*Edavagai*): മാവേലിക്കര എത്രനാണ് ഡിപ്പാർട്ടുമെൻറൽ അഞ്ചൽ ആഫീസ്സുണ്ട്?

PRESIDENT: That is not relevant.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know from the member whether it is not the policy of the Department to convert departmental offices to non-departmental ones.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): No, Sir.

Government concur in the Superintendent's proposal. The excess expenditure involved is Rs. 10 per mensem, as the minimum pay of a departmental Anchal Master is Rs. 20 per mensem, while the non-departmental Anchal Master gets only a pay of Rs. 10 per mensem. The provision required for the rest of the year is Rs. 70.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What was the recommendation of the Retrenchement Committee in regard to conversion of non-departmental offices into departmental ones?

PRESIDENT: That is beside the point.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): In regard to the third, the Anchal Superintendent states that the Savings Bank system in the Anchal Offices generally has become so popular that there has been a large increase in the Savings Bank deposits and transactions, during the last few years. He says that in the

[Mr. C. N. Srirenganatha Sastri.]

84 Anchal Offices having S. B. transactions, there are no clerks. Experience has shown that in Anchal offices having about 600 S. B. accounts, the Anchal Master could not cope with the S. B. work along with the other branches of work, for example Hundi, Registration etc.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmics*): മണിയാർഡർ ഫാറത്തിൽ ജനങ്ങൾ എഴുതേണ്ടതൊക്കെ ഇംഗ്ലീഷിലും അഞ്ചൽമാസ്റ്റർ എഴുതേണ്ടതൊക്കെ മലയാളത്തിലുമാണ് അച്ചടിച്ചുകാണുന്നതു്. ജനങ്ങൾ എഴുതേണ്ടഭാഗം ട്രാൻസ്ലേററ് ചെയ്തുപറഞ്ഞുകൊടുക്കാൻ ഈ ക്ലാക്കിനെക്കൊണ്ടു സാധിക്കുമൊ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): ഇതൊക്കെ അഞ്ചലാഫീസിൽ ഇപ്പോഴും തന്നെ ചെയ്തുകൊടുക്കാറുണ്ടു. ഇനിമേൽ നിശ്ചയമായും ചെയ്തു കൊടുക്കയും ചെയ്യും.

There are eight of such offices having 600 S. B. accounts with no clerks *viz.*, Chavara, Arukutty, Devicolam, Kaikara, Boothapandy, Chirayinkil, Kazhakuttam and Suchindram. It is proposed to appoint one clerk to each of the above offices at the minimum pay Rs. 20. This will also minimise the chances of defalcation as the transactions will then have to pass through two hands. The provision required for the remaining 7 months in the year is Rs. 1,170.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has there been any defalcation in any of the Anchal Offices of the State during the last quarter?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): There were two defalcations. One was at Suchindram. It was reported only during this year.

MR. S. KRISHNA PILLAI (*Karungapalli*): Is that after Chingom 1108?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The case was reported only this year.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know the date on which the defalcation took place?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): I am not sure of the date. But when the Anchal Superintendent reported the matter, it was about Chingam of this year.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Can the member tell the House what is the net profit of the department last year?

PRESIDENT: That is not relevant.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): By whom was the necessity for appointing more hands in the Anchal Offices reported? Was it done by the present Anchal Superintendent or by his predecessors also?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Necessity for more hands was brought to the attention of Government by his predecessors also.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was that in 1108?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Even before, I believe.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Then, why was not the matter brought to the attention of the House during the Budget Session ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : In regard to the appointment of temporary clerks, the letter of the Anchal Superintendent was received on the 20th August last. Government considered the matter and passed orders that the matter could wait. The Superintendent brought up the same matter up on two or three occasions more. He began to press the matter by reporting often that the work had abnormally increased on account of the existence of insurance companies. Government was convinced of the abnormal work. In 1097 there were about 249 companies. Now there are over 1000 companies. The Malayala Rajyam had written a long leader urging on Government to grant the necessary relief to the Anchal Masters.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : You said just now that the recommendation of the Superintendent was on the 20th August, last. That is, this year.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): It was about the commencement of this year.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Why did not the Superintendent write to Government for hands in 1107 ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : He was making recommendations from the end of 1107. He has been trying to manage as much as he could with the existing staff. The work has abnormally increased. He has not been able to cope with the increased work. Naturally he has approached Government twice or thrice for affording aid.

MR. A. S. DAMODARAN ASAN (*Mavelikara com Kartikapalli*) : Is it only in eight Anchal Offices there is so much pressure of S. B. accounts?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : In the eight offices I made mention of at the beginning of my speech, the work of S. B. accounts has so increased that it is impossible for one man to cope with the normal work. Experience has shown that one man cannot manage it.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : If there are more S. B. accounts in a particular office, is it the member's opinion that there will be defalcations ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Governmnt*): It need not necessarily follow.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Is it not due to defalcations that occur often, that the necesity for more hands is felt ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Not only that. If there is work over and above the normal, then it will lead to arrears. To dispose of arrears, strengthening of staff is the remedy.

MR. P. S. MAHOMED (*Nominated*): അഞ്ചൽസൂപ്രണ്ടാഫീസിൽ കൂടുതൽ ക്ലാർക്കിന്റെ ആവശ്യമെന്താണ്?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): മണിയാർഡർ, ഹുണ്ടി, ഇൻഷുറൻസ് ഇവയുടെ രജിസ്റ്റർകളെല്ലാം ചെക്ക് ചെയ്യേണ്ടതായിട്ടുണ്ട്. അതുപോലെ എസ്. ബി. അക്കൌണ്ടും ചെക്ക് ചെയ്യണം. അഞ്ചൽ ആഫീസിൽ ഈ വക ജോലികൾ വർദ്ധിക്കുമ്പോൾ സൂപ്രണ്ടാഫീസിലും അതു വർദ്ധിക്കുന്നതാണ്.

MR. RAMA VARMA RAJA (*Edavagai*): തഴക്കര അഞ്ചലാഫീസിൽ ഇപ്പോൾ ജോലികൂടുതലുണ്ടോ?

MR. C. N. SRIRANGANHTHA SASTRI (*Ag. Secretary to Government*): അവിടത്തെ വരവു വർദ്ധിച്ചിട്ടുണ്ട്.

MR. RAMA VARMA RAJA (*Edavagai*): മുമ്പു അവിടത്തെ വരവു എത്രയായിരുന്നു; ഇപ്പോൾ എത്രയുണ്ട്?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): ഞാൻ അതു രണ്ടുപ്രാവശ്യം പറഞ്ഞു എങ്കിലും ഒരിക്കൽകൂടി പറയാം. അഞ്ചൽസൂപ്രണ്ടു തഴക്കര അഞ്ചലാഫീസ് ഡിപ്പാർട്ടുമെന്റൽഅഞ്ചലാഫീസാക്കണമെന്നു ശുപാർശചെയ്തകാലത്ത്, അതായതു ൧൧൦൭-ൽ, ഒൻപതുമാസത്തെ വരവു ൪൩ രൂപായായിരുന്നു. ചിലവു ൯൦ രൂപാ മാത്രമാണ്. ഇതിനെ ഡിപ്പാർട്ടുമെന്റൽ അഞ്ചലാഫീസ് ആക്കിയാൽ തന്റെ ജോലി ഒരുപക്ഷേ പോയേക്കുമൊ എന്നു വിചാരിച്ചു നാൺഡിപ്പാർട്ടുമെന്റൽ അഞ്ചലാഫീസർ കൂടുതൽജോലി എടുക്കാറില്ല.

MR. RAMA VARMA RAJA (*Edavagai*): ഇതു ഡിപ്പാർട്ടുമെന്റൽ അഞ്ചലാഫീസാക്കിയാൽ നാൺ ഡിപ്പാർട്ടുമെന്റൽ അഞ്ചലാഫീസറെമാററി വേറെ ആളിനെ ആക്കുമൊ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): അതു അഞ്ചൽസൂപ്രണ്ടിന്റെ യുക്തംപോലെ ചെയ്യാം.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*): Is it the opinion of Government that, in spite of increased receipts in the Anchal Office at Ayakudi, steps are being taken for converting it into a non-departmental one?

MR. C. N. SRIRENGANATHA SASTRI ((*Ag. Secretary to Government*): That does not arise here, Sir.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it not on this principle that this demand has been asked for?

PRESIDENT: That question is not in order.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I oppose this demand. All that Government state is that work has increased both in the Anchal and Superintendent's Offices and so more hands are necessary. Such a demand can be made only with propriety at the time when the Budget is under discussion. Is it proper to come to the Council in the middle of the year and ask for more hands and that for very unconvincing reasons.

PRESIDENT: Is it wrong to ask for more hands in the middle or end of the year when work has abnormally increased? Is it not the duty of the Government to find out some remedy when the work is really suffering?

MR. A. THANU PILLAI (*Trivandrum*): It is not in that manner I view the question. If the work has increased to such an extent that it is not possible for the existing hands to cope with it, then I will be the first to grant additional hands. There will be some propriety then in asking for more clerks. In this case, it is alleged that during the last 3 or 4 months the work of the department has increased to such an extent as to necessitate for appointing extra hands. I am far from being satisfied with the reasons given by the member in charge of the demand. I honestly think that there is not sufficient basis for such a plea. It appears that in some offices S. B. work demands extra clerks. It is difficult to understand that at a time like this when people are short of funds S. B. work has increased to such an extent, as to require additional hands. I oppose the motion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I also rise to oppose the motion and the reasons are these. Anchal Department has always been the quietest one during the Budget Session. It has not been coming up prominently for discussion during that period. It has been always considerd as an earning department and so far as the members are concerned, that department is being allowed to drift of its own accord. Now, quietly and unexpectedly and without giving us previous warning, the demand comes forward with a declaration that the work in the Anchal Offices has increased beyond all expectations. Defalcations in S. B. accounts have been numerous now than in previous years and therefore the staff of the Anchal Office has to be strengthened and all that. From the reasons alleged for the demand, it is on the face of it unacceptable to us. One reason alleged is that insurance companies have come into existence in large numbers and that they are giving a lot of work to some of these Anchal Offices. I have been myself a member of the committee appointed for considering the Provident Insurance Societies Bill. During that period, we had the opportunity of looking into various statistics relating to insurance companies. I concede, as a matter of fact, that insurance companies have come into existence in larger numbers during this period, especially after Chingom 1108. By that I am sure taht the

[Mr. S. Krishna Pillai.]

work has not increased to any extent so far as Anchal Offices are concerned. Excepting in the matter of receiving letters and transmitting them, there does not appear to be more work which these companies have given. These companies have only begun to give slight additional work. Some of the flourishing companies in Quilon were having business for more than two or three years. Twice a week they were getting money-orders in bundles and the Anchal Department was able to manage that work without any complaint. Now a few insurance companies have, as a matter of fact, come into existence; but it does not appear that they have begun to do any work; it does not appear that they have begun to attract large orders. At any rate, one thing is certain. The work which this department could cope with in 1107 Karkadagom, I am sure, has not in any way increased. There is one advantage in our favour as far as this demand is concerned. We are not in a position to question on a point which would elicit information relating to the principle involved in this demand.

As Mr. Karavalar put it, when increased receipts............

PRESIDENT: I think you are not in order.

MR. S. KRISHNA PILLAI (*Karunagapalli*): There is a definite time for coming up for a demand. So far with regard to the staff in the Anchal Offices. To say that for want of a few clerks in the Savings Bank Section in the Anchal Offices defalcation is going on is one thing which is unacceptable. I have not much to advance by way of arguments against that. Now they say that the Anchal Masters or the persons in charge of the Savings Bank account are democratic and there is no one to check or spy on them. If the Anchal Superintendent is of opinion that if one man in the Savings Bank Section is unable to manage the business honestly, I do not know how an additional man appointed in that section is going to improve matters. I am certain that this is not an urgent need which has come into existence after the presentation of the last Budget. If so they ought to have been placed before the House or the Finance Committee at the time this year's Budget was taken up for consideration. Sir, the policy of Departmental Heads bringing up demands which could not be properly discussed ought to be discouraged. For the simple reason that it is unnecessary and would be a sheer waste of Government money, the grant should not be allowed.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Sir, I have only a few words to say about this. In regard to the first item *viz.*, the additional five hands for the Anchal Offices and for the Anchal Superintendent's Office, I shall submit the figures in regard to the increase in the number of Insurance Companies. It was 13 in 1107 and so many as 240 in the beginning of 1108. Since the report was submitted, as many as 90 have come into existence. It is not merely letters that are posted by these Companies. There are remittances and registered letters.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was this necessity not felt in 1107?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes, it was felt.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then why was not this demand brought in 1107.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): It took some time to consider the matter and get Government orders thereon.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it on account of the long time ordinarily taken by the Government that this matter was not brought up then?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The Anchal Superintendent was trying to manage as far as possible with the existing staff.

MR. S. KRISHNA PILLAI (*Karunagapalli*): But did Government resist in 1107?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): In a way it was done. He was asked to manage with the existing staff.

With your permission, Sir, I may draw the attention of the House to a leading article which appeared in the news paper 'Malayali' which describes the hardships of these poor people.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Do Government generally rely upon news-papers?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Not exactly relying on them.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, can the member refer to records which are not placed before the House?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): I am not refering to records. It is notes that I have taken.

In regard to the second item, it is only a departmental sanction of a routine nature.

In regard to the third, it is not merely to prevent defalcations that this demand is brought forward. By experience it is found that it is impossible with the existing staff to cope with the work of Savings Bank accounts.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it correct to say that during this time of economic depression the work of Savings Bank accounts have increased?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes, the Anchal Superintendent has specifically made that statement.

PRESIDENT: Does the House want the three demands to be put together or separately?

MR. A. THANU PILLAI (*Trivandrum*): Either way.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They may be put separately, Sir.

PRESIDENT: The first demand is for Rs. 735 for the appointment of 7 temporary additional clerks, 5 in the Anchal Offices and 2 in the Anchal Superintendent's Office on Rs. 15 each per mensem.

The motion was put to the vote of the House and carried and the grant was made.

PRESIDENT: The second demand is for the conversion of the non-departmental Anchal Office at Thazhakara into a departmental Anchal Office.

The motion was put to the vote of the House and carried and the grant was made.

PRESIDENT: The third demand is for the appointment of 8 additional clerks in the Anchal Offices for Savings Bank work on Rs. 20 each per mensem.

The motion was put to the vote of the House and carried and the grant was made.

MR. S. KRISHNA PILLAI (*Karunagapalli*) With regard to the third item, I demand a poll.

A poll was taken and the House divided as follows:—

AYES 25.

1	Mr.	K. P. Abraham	13	Mr.	K. George
2	Mrs.	Anna Chandi	14	,,	A. Kumara Pillai
3	Mr.	S. Chattanatha Karayalar	15		Rao Sahib Dr. N. Kunjan Pillai
4	,,	N. John Joseph			
5	,,	K. C. Karunakaran	16	Mr.	C. O. Madhavan
6	,,	K. I. Kocheeppan Mappillai	17	,,	E. G. McAlpine
7	,,	K. P. Kochukora Tarakan	18	,,	B. Narayana Pillai
8	,,	Tariatu Kunjitomman	19	,,	N. Nilakanta Pillai
9	,,	P. S. Mahomed	20	,,	R. Nilakanta Pillai
10	,,	C. N. Tuppan Namputiripad	21	,,	N. K. Padmanabha Pillai
			22	,,	Kayalam Paramesvaran Pillai
11		Rao Bahadur A. Venkatarama Aiyar	23	,,	S. C. H. Robinson
12	Mr.	R. Dhanukoti Pillai	24	,,	C. N. Srirenganatha Sastri
			25	,,	J. S. Westerdale

NOES—17.

1	Mr.	A. S. Damodaran Asan	10	Mr.	M. P. Madhavan Pillai
2	,,	K. Gopalakrishna Pillai	11	,,	M. Mahomed Mustapha
3	,,	K. Krishnan Nayar	12	,,	K. Narayanaperumal Nadar
4	,,	E. V. Krishna Pillai			
5	,,	N. K. Krishna Pillai	13	,,	A. Narayana Pillai
6	,,	S. Krishna Pillai	14	,,	K P. Nilakanta Pillai
7	,,	K. Kunjukrishna Pillai	15	,,	K. Padmanabha Panikkar
8	,,	K. Madhavan Pillai	16	,,	Rama Varma Raja
9	,,	K. P. Madhavan Pillai	17	,,	A. Thanu Pillai

NEUTRAL 1.

Mr. K. C. Chandi.

The motion was declared carried, 25 voting *for* the motion, 17 *against* and one remaining *neutral*.

DEMAND XXVII—INDUSTRIAL LOANS.

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Sir, I beg to move for a grant not exceeding Rs. 50,000 for Industrial Loans under Demand XXVII—Industrial Loans.

In this connection I may have to mention a few words because my friend Mr. S. Krishna Pillai pointed out that the Heads of Departments do not come forward with all their requirements during the Budget Session. This demand I am now moving is on account of the present economic depression and some big factories approached Government for Industrial Loans. These people never used to come forward for any industrial loans at all But one of these people really reported to Government like this: —

> "Till the passing of the Imperial Bank of India Act we have been sufficiently financed by the local branch of the Bank of Madras." When the Imperial Bank of India came into existence, it changed its policy and hence-forward we have had to depend mostly on "Indigenous Money Lenders from whom we borrowed at high rate of interest."

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencottah*): May I know where these applications are from?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): There are applications from Alleppey, Trivandrum and even from Mundakayam and other places for different kinds of industries. I approached Government with a request for a grant of a lakh of rupees whereas Government on account of the present economic depression allowed me only for moving for Rs. 50,000. So I think it is really right that we should try to help these big industrial concerns in their time of need. That is the very reason why I had to bring this motion.

MR. K KUNJUKRISHNA PILLAI (*Quilon*): May I know the names of theindustrial firms that have applied for these loans and the amount that they require?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I do not know whether it is really right, unless there is some possibility of our Government coming to their aid, to disclose their names and put before the public their inability to raise money.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member think that all these applications are confidential?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Certainly not.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Government will have to disclose their names at any time.

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Only after it is sanctioned.

MR. K. P. NIALKANTA PILLAI (*Chirayinkil*): May I know for what kind of industries these loans are applied for?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): For industries like ivory carving, rubber industry, oil Industry, cotton mills, etc.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know whether the Government propose to finance rubber industrialists at this period?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): We will enquire into it and find out whether there is a real need for it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*). May I know from the member whether there were pending applications for loans in 1107?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Yes. Those loans were only for small industries and now we are going to finance factory industries with bigger loans. Those loans were only for Rs. 2,000 and Rs. 3,000.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether they were for cottage industries?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know whether our cottage industries have been sufficiently strengthened?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I do not say so.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know the rules under which these loans are to be granted? Is it not under the State Aid to Industries Regulation?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) The rules have not been passed. If that is passed before we actualy issue the loans, most probably, it will be under those rules.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know in what time the rules will be passed?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): As early as possible.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) May I know whether all these companies are solvent?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): There are conditions in the rules already which govern the grant of loans. Unless they are solvent we will not issue the loans.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know the maximum amount of loans allowable?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Some people have applied foras big a sum as Rs. 75,000. Of course, I am not in a position to say that now. We will try to help them as far as possible.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know the maximum fixed under the Regulation?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No maximum is fixed.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know the minimum?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Rs. 2,500.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know the nature of the rubber industry which is carried on and what articles are produced locally? May I know from the Director whether he has any personal knowledge about the articles manufactured out of rubber by that particular individual. Has he, as a matter of fact, succeeded in manufacturing any article out of rubber?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): He has not manufactured any thing. He has not even started the industry.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the amount that he wants?

MR. N. K PADMANABHA PILLAI (*Director of Industries*): I do not carry all the files here and I do not know the exact amounts applied for.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I inform that it will be absolutely useless to these firms if only Rs. 50,000 is distributed?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Some people have approached Government with a request of even Rs. 10,000 and that will be of great help to them at this time of economic depression.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Am I to understand that this amount is intended to be distributed among five persons only?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Not in the least.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know from the Director the particular persons amongst whom he wants to distribute this amount?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I cannot say that now. We will have to find out the liability of the persons, the value of the holdings and the security they are prepared to offer. All these things have to be enquired into.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): May I know whether this amount will be given to one single factory?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): We do not know anything about that now.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*): Is this amount proposed to be distributed only among the firms who have already applied?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) No, it will be given to others also.

MR. K. P. NILAKANATA PILLAI (*Chirayinkil*): May I know from the member whether the loans applications were not considered because there were no funds available?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Exactly so.

MR. K. P. NILAKANATA PILLAI (*Chirayinkil*) May I take it that when funds are available those applications will be considered?

MR. N. K PADMANABHA PILLAI (*Director of Industries*): Certainly.

PRESIDENT: I take it the House sactions the demand.

The grant was made.

The Council adjourned for lunch at 2·10 P. M. and met again at 3 P. M. the Deputy President presiding.

LEGISLATIVE BUSINESS.

THE MUNICIPAL REGULATION AMENDMENT BILL.

DEPUTY PRESIDENT: We are at clause IV of the Municipal Regulation Amendment Bill. Mr. Thanu Pillai, you will now move your amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Sir, before we proceed with the consideration of the Bill, I wish to draw the attention of the House to the absence of many of the official members

[Mr. E. V. Krishna Pillai.]

of this House which shows the least courtesy to the House. I want that this should be recorded. I most emphatically protest against their conduct and request you, Sir, to get an explanation from those officers who are absent from this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir, a major portion of the official members are present while a major portion of the non-official members are absent.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I have absolutely no objection. But along with that I want my protest also to be recorded.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I beg to move the following amendment to clause IV:

Substitute the following for the proposed Section 198. "198 (1) The Municipal Council may, with the sanction of Our Government, direct the construction of such works as it deems fit without the limits of the Municipality for supplying it with water, and may provide channels, tanks, reservoirs, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits, for the use of the inhabitants.

(2) Our Government may, with the consent of the Municipal Council, undertake the construction of water supply works and in that case, do all or any of the works referred to in sub-section (1) above."

Section 198 of the existing Regulation gives power to the Municipal Council to do the works necessary in connection with water supply either within or without the municipal limits and that without the sanction of Government. The clause, as settled by the Select Committee, changes the law embodied therein in two important particulars. One is that the power of the Municipality or of the Municipal Council to do the necessary works is conditional on the previous sanction of Government both when the works are to be done within the municipal limits and when the works are to be done outside the municipal limits. Secondly, the power is sought to be given to Government to undertake water supply works. Government normally do not reserve any power in regard to this matter under the existing Regulation. So, Sir, it is clear that the provision now proposed by the Select Committee is clearly retrograde. When I was discussing another amendment I laid emphasis on this fact that we ought not to go back in respect of self-government. We should not take away the powers already enjoyed by Municipal Councils and other similar bodies. But this provision of the Bill clearly gives a setback to the principles of self-government.

Now, I shall deal with this amendment. There is one clause only in the provision made by the Select Committee. I have split it into two. I also suggest an alteration to the existing law. Under the existing law, the municipality can do these works without the sanction of Government both within the Municipal limits and outside.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the member quote the Section of the Regulation?

MR. A. THANU PILLAI (*Trivandrum*): It is Section 198. I think it is better that I read the Section because most of the members may not have the Section before them. This is the existing Section.

"In all Municipalities in which a water tax is levied under sub-section (7) of Section 61, the Council may provide a supply of drinking water within the Municipality; and shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary for the said purpose to be constructed and maintained, whether within or without the Municipality; and shall erect sufficient standpipes or other conveniences for the gratuitous supply of water to the public."

That is the first sub-clause. The second sub-clause runs as follows:—

"The Council shall, as far as possible, make adequate provisions that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption."

I am now concerned only with the latter half of the first sub-clause which clearly says that whether the works are within or without the municipal limits the Municipal Council can do such works. It does not make any mention whatever of Government sanction. So the Municipal Council can do anything now. I say that it is proper that some restriction is placed with regard to works outside the municipal limits that may have to be done for the benefit of the inhabitants inside the municipal limits, because public works of the kind should not be allowed to be undertaken by a Municipality outside the municipal area without the previous sanction of the Government and I am prepared to amend the existing law to that xtent. So, my sub-clause clearly provides for that. I shall again read sub-clause (1) as I have suggested.

"The Municipal Council may, with the sanction of Our Government, direct the construction of such work as it deems fit without the limits of the Municipality for supplying it with water, and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits, for the use of the inhabitants."

In the second portion I delete the works "with the sanction of Government" and the wording itself is taken from a corresponding statute in force in British India, I mean, the Madras District Municipalities Act. The wording is exactly that found there. Why should we insist on the sanction of Government even when the Municipality wants to do some work within the limits of the Municipality? I strongly take objection to that. The provision that I suggest is exactly the same, literally and in substance, as that in force under the Madras District Municipalities Act.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may inform the member that even according to his amendment Government sanction is required for works even within the municipal limits.

MR. A. THANU PILLAI (*Trivandrum*): No. I shall read my amendment again.

[Mr. A. Thanu Pillai.]

"The Municipal Council may, *with the sanction of our Government*, direct the construction of such works as it deems fit *without the limits of the Municipality* for supplying it with water, and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits for the use of the inhabitants."

In the first place it is stated "may with the sanction of Government direct the construction of such works as it deems fit without the limits of the Municipality" and in the second place it is simply said that the Municipal Council may provide channels, etc., within the said limits. I do not see that according to my amendment the sanction of Government is necessary for the latter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). Where is the provision for the construction by the Municipality of waterworks within the municipal limits?

MR. A. THANU PILLAI (*Trivandrum*): If there is any difficulty in that wording, I have no objection to the necessary changes being made. But to me it appears that this is quite enough. Anyhow this is the wording in the Madras Act, and if it is the Law Member's objection that there is no provision empowering the Municipal Council to work the water-supply scheme within the municipal limits the necessary amendments, if the Council thinks so, may be made. It is not substantial, it is only verbal and I have no objection to it. Sir, mine is exactly the wording of Section 126, clause (1) of the Madras District Municipalities Act. I do not see any reason why it should not satisfy us. As I stated already, if the Law Member thinks that a clear enabling provision like the one he mentioned is necessary, I have no objection in adopting it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member want the municipality to obtain the sanction of Government for water-supply works to be done by the municipality?

MR. A. THANU PILLAI (*Trivandrum*): No. I do not want it What I mean is that works in connection with the water-supply to be done outside the limits of the Municipality should be done with Government sanction, because it is going to affect the people outside the Municipality while it does not benefit them. That is one thing. But so far as the works within the Municipal limits are concernd, there is no reason why they should get the sanction of Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Even for water-supply works?

MR. A. THANU PILLAI (*Trivandrum*): Yes, and under the existing Regulation they have already got the power. Water-supply is one of the main functions of the municipality and they have got the power to do such works as they think necessary.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But does not the Amending Bill as settled by the Select Committee take away that right?

MR. A. THANU PILLAI (*Trivandrum*): Yes, according to the Select Committee, whether the works are to be done outside or inside the limits of the municipality the sanction of Government is necessary. That I think is clearly retrograde.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does the member want the municipality to have power to undertake works in provinces outside the limits of the municipality?

MR. A. THANU PILLAI (*Trivandrum*): That is to say, for supplying a particular municipal area with water, works in connection with the reservoir will have to be done outside the municipal limits and in such cases Government sanction may be obtained. I have also provided for that in my amendment. But for works done by the municipality within municipal limits it is wrong to say that they must obtain the sanction of Government. If they want to lay a pipe or to have some other work done inside the municipal limits, why should they ask for the permission of Government?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it the intention of the member that the Municipal Council should not take up the works in connection with water supply within the municipal limits? There is no provision in the amendment proposed by the member,

MR. A. THANU PILLAI (*Trivandrum*): Sir, I do not understand the difficulty of the member. This provision Section 198--occurs in chapter VIII—Water-supply. The first sub-clause of that according to my amendment will read thus:

"The Municipal Council may, with the sanction of our Government, direct the construction of such works as it deems fit without the limits of the municipality for supplying it with water, and may provide channels, tanks, reservoirs, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits, for the use of the inhabitants."

I have no objection in repeating the words "for supplying with water" in the latter portion also, if it is thought necessary. But I think that, as it is, it is quite enough.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencottu*): Suppose the Municipality wants to construct water works within the municipal limits. Where is the provision for that?

MR. A. THANU PILLAI (*Trivandrum*): What does this mean—"may provide channels, etc., as it may deem fit within the said limits"?

MR. S. CHATTAANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): These are mentioned here as contra-distinguished from the waterworks.

MR. A. THANU PILLAI (*Trivandrum*): No. In the Select Committee we had some difficulty about that. Anyhow, this is exactly the wording in the Madras District Municipalities Act and that Act is working there and they have understood it in the sense that I want it to be understood.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is that the authority?

MR. A. THANU PILLAI (*Trivandrum*): That is in force. Anyhow, the member may improve upon the wording. I have no objection to it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Has the member any objection to getting inserted the words "for supplying water for the use of the inhabitants" in sub-clause (1)?

MR. A. THANU PILLAI (*Trivandrum*): I have no objection. That is to say, we may enumerate the works that will have to be done with regard to water-supply works outside as well as within the municipal limits.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is the Municipality competent to acquire land within the municipal limits?

MR. A. THANU PILLAI (*Trivandrum*): The Municipality is not given now the power to acquire land. That has to be done through the Government.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If you ignore Government sanction for one thing, you will not have their assistance for another.

MR. A. THANU PILLAI (*Trivandrum*): If land has to be acquired for a public purpose, I am sure Government will naturally acquire the land for the Municipality. But that is another matter altogether.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I thought that the trend of the member's argument went to indicate that the Government should be excluded from all these things.

MR. A. THANU PILLAI (*Trivandrum*): Certainly not. Acquiring land for a particular purpose is one thing, but making use of it for that purpose is another thing.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*). So, the Municipality cannot be self-sufficient so far as water-supply is concerned?

MR. A. THANU PILLAI (*Trivandrum*): Not only for that but for many other things it cannot be self-sufficient. Certainly, Government will render all legitimate help to the Municipalities when they ask for it. That I do not think in any way makes my position difficult.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has the Municipality any power to undertake any other works within the municipal limits without the sanction of Government? For instance, in regard to electric supply schemes, has any Municipality power to start the work without the sanction of Government?

MR. A. THANU PILLAI (*Trivandrum*): I cannot say whether it is one of those works that they can do without the sanction of Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*): After vesting the Municipality with all the public streets, have the Government any right with reference to these streets, under the Regulation, by which they could restrict the Municipality in regard to the use of the land which has become vested in the Municipality under the Municipal Regulation?

MR. A. THANU PILLAI (*Trivandrum*): I think the municipality has got control over the lands vested in them.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Under the existing Regulation, have not Government delegated the power of starting waterworks within municipal limits to the Municipal Councils?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is not the amendment taking away that power?

MR. A. THANU PILLAI (*Trivandrum*). Yes, that is just what I have been mentioning.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it a step in the right direction?

MR. A. THANU PILLAI (*Trivandrum*): It is a step in the wrong direction. The rights vested under the existing Regulation are sought to be taken away. That is quite a wrong move. That is my complaint. Anyhow in regard to land acquisition, there is no difficulty. If the Municipality wants lands for legitimate purposes, Government will naturally acquire land. The Government and the Municipality are not hostile bodies. That is my argument so far as that portion is concerned.

If my friends are not satisfied with the wording, I shall amend it. As I stated, I took it from the Madras District Municipalities Act. I have no objection to the wording being improved.

In regard to the other portion, *viz.*, the Government themselves working a waterworks scheme, there is no provision like that in the existing Regulation. The water-supply is made a municipal function and the municipality is given the power to supply water. The law elsewhere also is to the same effect. For instance, in the District Municipalities Act, under Section 39 (3), the local Government may with the consent of the Municipal Council undertake on its behalf a water-supply, drainage or other work, appoint persons, etc. That is the law in Madras.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If the Municipality undertakes the work who is to find funds for that? According to the member's amendment, where from will the funds be forthcoming for the construction of works undertaken by the Municipality?

MR. A. THANU PILLAI (*Trivandrum*): Well, the funds may come either from the Government or the Municipality. If the Municipality consents, Government can take care that funds also are provided by the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But there is no provision for that here.

MR. A. THANU PILLAI (*Trivandrum*): That may be incorporated. My idea is that such works should be undertaken only by Municipality. Because when we bring into existence these representative bodies, as I

[Mr. A. Thanu Pillai.]

said in the morning, they ought to be respected and their existence recognised. Otherwise it would be very good that we abolish those bodies.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): But the question is that you want Government money and at the same time you exclude Government interference?

MR. A. THANU PILLAI (*Trivandrum*): I do not want Government money and at the same time to exclude their interference. My position is that the work of supplying good water to the town is a function of the municipality. If the Municipality is not able to do it, Government may help it. Government may help it with advice and money, or Government themselves may do the work and hand it over to the Council. But it is the primary work of the Municipal Council to supply water to the residents of the town. That does not mean that the municipality should not be asked to meet the cost. It is only in a fit case that the Municipality will agree that the Government should undertake the work. In the first place, the Municipality may say that it is not able to do it. Secondly, the Municipality must be convinced that it will be able to provide the necessary funds for the work proposed, if it is to meet the cost.

In the case of the Trivandrum town, we felt that there was difficulty so far as the Government were concerned. Without properly consulting the Municipality, Government spent lots of money in their own way. Eventually they come and ask the Municipality to meet the cost. The Municipality is composed of representatives of the people. Why not do such work with their consent at least? If they oppose and refuse such consent, then that means either that the work is not necessary or that it cannot be carried out without great detriment to the inhabitants of the town. That is the provision enacted in British India. Why should we not follow that here? My amendment is that when Government undertake the work it should be done with the consent of the Municipal Council. These are the two parts of the amendment that I propose to Section 198 as revised by the Select Committee.

MR. P. S. MAHOMED (*Nominated*): ഞാൻ മി. താണുപിള്ളയെ അനുകൂലിക്കുന്നു. മി. താണുപിള്ള രണ്ടു സംഗതികളെയാണു പ്രധാനമായി ചൂണ്ടിക്കാണിച്ചിട്ടുള്ളതു്. അതിൽ ഒന്നു മുനിസിപ്പൽ അതൃത്തിക്കു വെളിയിൽ വാട്ടർസപ്ലൈ സംബന്ധിച്ചു എന്തെങ്കിലും പ്രവൃത്തിക്കുകയാണെങ്കിൽ അതു ഗവണ്മെന്റു അനുവാദത്തോടുകൂടിയേ പാടുള്ളൂ എന്നും അതുപോലെതന്നെ മുനിസിപ്പൽ അതൃത്തിക്കുള്ളിൽ ഗവണ്മെന്റു വാട്ടർസപ്ലൈ സംബന്ധിച്ചു പ്രവൃത്തിക്കാൻ തുടങ്ങുന്നപക്ഷം അ

ള്ള മുനിസിപ്പാലിററിയുടെസമ്മതത്തോടുകൂടിയേ പാടുള്ളൂ എന്നുമാണ്. ഇതുരണ്ടും അത്യാവശ്യവുമാണ്. മുനിസിപ്പാലിററിക്കു വെളിയിൽ മുനിസിപ്പാലിററിക്കു കിട്ടുന്ന ഗുണങ്ങളെല്ലാം ചെയ്തുകൊടുക്കാമെന്നു വിചാരിക്കുന്നു എങ്കിൽ അതിനു ഗവർമ്മെൻറിൻെറ അനുമതി അത്യാവശ്യമാകയാൽ ആ പ്രൊവിഷൻ വേണ്ടതാണ്. മുനിസിപ്പൽ അതൃത്തിക്കു ഉള്ളിലുള്ള ജനങ്ങളുടെ ആരോഗ്യത്തേയും സുഖത്തേയും സംബന്ധിച്ച പ്രധാനമായി ചുമതലപ്പെട്ടവർ മുനിസിപ്പാലിററിക്കാരായതുകൊണ്ടു അവർ ചെയ്യേണ്ട പ്രവൃത്തി, ഗവർമ്മെൻറു ചെയ്യുന്നതിനുള്ള സന്ദർഭങ്ങൾ വരുമ്പോൾ അതു മുനിസിപ്പാലിററിയുടെ ഹിതത്തിനു വിരോധമായ നിലയിൽ ഗവർമ്മെൻറു പ്രവൃത്തിക്കുന്നപക്ഷം അതു മുനിസിപ്പൽഅതൃത്തിക്കു അകത്തുള്ള ജനങ്ങൾക്കുതന്നെയല്ല, മുനിസിപ്പാലിററിക്കുംതന്നെ ഒരു വലിയ ഉപദ്രവമാണ്. മുനിസിപ്പാലിററിയെകൊണ്ടു വഹിക്കാൻ പാടില്ലാത്ത ഒരു വലിയസംഖ്യ ഗവർമ്മെൻറു അനാവശ്യമായി ചിലവാക്കേണ്ടിവരും. അതിനുള്ള പ്രതിഫലം കൊടുക്കാൻവേണ്ടി സാധുക്കളായ ജനങ്ങളെ കാര്യമില്ലാതെ ഉപദ്രവിക്കേണ്ടിവരും. ഇങ്ങനെയുള്ള വിഷമം ഉണ്ടാകാതെ ഇരിക്കത്തക്കവിധത്തിൽആദ്യമേ ഭേദഗതിചെയ്യണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Karthikapalli*): മുനിസിപ്പാലിററിക്കകത്തു ചെയ്യുന്ന ജോലിക്കു ഗവർമ്മെൻറു പണം കൊടുക്കുമൊ?

MR. P. S. MAHOMED (*Nominated*): എന്നു ഈ അമെൻറുമെൻറിൽ കാണുന്നില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Karthikapalli*): മുനിസിപ്പാലിററിക്കകത്തു ചെയ്യുന്ന ജോലിക്കു പണം എവിടെനിന്നും ഉണ്ടാകും?

MR. P. S. MAHOMED (*Nominated*): അതു ഗവർമ്മെൻറു ചെയ്യണം. അങ്ങിനെ ഗവർമ്മെൻറു മുനിസിപ്പാലിററിക്കു പണം കൊടുക്കുന്ന അവസരത്തിൽ അതിനെപ്പററി വേണ്ട നിബന്ധന ചെയ്യേണ്ടതാണ.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Karthikapalli*): മുനിസിപ്പൽ അതൃത്തിക്കകത്തു എന്തെങ്കിലും ജോലി ചെയ്യേണ്ടതു അത്യാവശ്യമാണെന്നുകണ്ടാൽ അതിലേക്കു പണം കൊടുക്കണമെന്നു ഗവർമ്മെൻറിനെ നിർബന്ധിക്കുവാൻ വല്ല പ്രൊവിഷനും ഉണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*): ഇല്ല. അങ്ങിനെ ഗവർമ്മെൻറിനെ നിർബന്ധിക്കത്തക്ക വിധത്തിൽ റഗുലേഷൻ ഉണ്ടാക്കുന്നതു ശരിയാണെന്ന് എനിക്കു തോന്നുന്നില്ല. ഗവർമ്മെൻറിനു പണം കൊടുക്കാൻ

[Mr. P. S. Mahomed.]

സാധിക്കാതെ വരുന്ന സന്ദർഭവും ഉണ്ടാകും. അതിനാൽ ആ വിഷയത്തിൽ നിർബന്ധം ആവശ്യമില്ല. അത് ഈ അമൻഡ്മെൻറിൽ ഉൾപ്പെടുകയുമില്ല. അങ്ങിനെ ഒരു അമൻഡ്മെൻറ് കൊണ്ടുവരികയാണെങ്കിൽ അതിനെപ്പററിയുള്ള എൻെറ അഭിപ്രായം അപ്പോൾ പറയാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): വാട്ടർ വർക്സിലുള്ള ആദായത്തിൽനിന്നും ൫൦ ശതമാനം പിരിച്ചുകൊടുക്കണമെന്നു പറയുന്നില്ലെ?

MR. P. S. MAHOMED (*Nominated*): എന്നുണ്ടായിരിക്കണം. ആ സംഗതിയെപ്പററി ഇപ്പോൾ പ്രസ്താവിക്കേണ്ട ആവശ്യമില്ല. ആ സംഗതി ഈ അമൻഡ്മെൻറിൽ കാണുന്നില്ല. ഞാൻ മിസ്റ്റർ താണുപിള്ളയുടെ അഭിപ്രായത്തോടുകൂടി യോജിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose this amendment. I may first of all make it clear to the House what the real points are that arise for consideration. The first point is whether the existing power of the municipalities is taken away. The second point on which criticism is levelled is that power is given to the Government for supplying water within the Municipality without even the consent of the municipality.

In regard to the first point Mr. Thanu Pillai cited Section 198 of the Municipal Regulation and said that under that the Municipalities can do all these things without Government sanction. But, as a matter of fact, they require even now the sanction of the Government to do those works. This Section 198 occurs in a Chapter headed "Chapter VIII". This is the first Section in that Chapter, and the last Section of that Chapter is this :

"205. The provisions of this Chapter shall not take effect in any municipality until they have been specially declared to apply thereto by Our Government at the request of the Municipal Council."

So that as the law now stands it is substantially incorrect to say that the municipality can do all these works without the sanction of the Government. It is a substantially incorrect statement of law. In the present Bill, it will be noticed that the Section says that it will take effect only when the sanction of Government is obtained. That does not make much difference. It is not that the Government want to hamper the municipality. If this House thinks that it is to the interests of the citizens and to their welfare, by all means allow the municipality to act on their oun authority alone.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it the member's opinion that even if Mr. Thanu Pillai's amendment is carried and forms part of the amending Bill, that will be null and void in the face of the Section referred to?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The whole Chapter ceases to exist when this Bill is passed.

MR. E. V. KRISHNA PILLAI (*Kottarakkara* cum *Kunnattur*) : So, if Mr. Thanu Pillai's amendment is carried, the whole thing will cease to exist?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) . May I know the reason why the law is changed in regard to this matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to the provision that the Municipality should take the sanction of Government it is not contemplated to apply this law to all the Municipalities. What I want is that Government should be given power for working the water works scheme in this city.

MR. A. THANU PILLAI (*Trivandrum*) : Is it not a general sanction that is contemplated in the Regulation now? Are these not two different things?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I used the words "substantially" advisedly.

In regard to the power of Government, I heard Mr. Thanu Pillai say that the Municipality has got powers at present which are being interfered with. He has been speaking of powers of the municipality. He emphasises on the powers. What about the duties of the Municipality? It will be seen from Section 198 that they are bound to supply water to the citizens. The premier city of Trivandrum failed to supply water. And not only failed to supply water, but they asked Government to supply water. Government incurred a lot of expenditure by undertaking this scheme. Is it not due to the fact that the Municipality failed to do their duties? If Government found that the Municipal Regulation was in existence for 12 years and that no municipality started water-supply works, but on the other hand they tried to shift the duty on to the Government, of course Government as the custodian of the larger interests of the citizens are bound to supply water when the Municipality failed to do their duties.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Have the Government issued instructions under Section 205 investing the municipality with the power to undertake the supply?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I will draw the attention of the member to Section 205. It says that the municipality should apply to Government for such sanction. If Mr. Krishna Pillai is pleased to speak on the point, I trust that he will state whether any municipality applied or not.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Have they ever tried to take into account or form an idea of the working of the Municipality and set them right?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, on many occasions. Whenever occasion arises, they do so. That does not arise now. Here the only question is whether the Government should be given power to supply water.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the amendment take away the power of the Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, when the Government are spending 50 lakhs of rupees, what is the purpose of saying that they should get the sanction of the Municipality?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I think there are general tax-payers in this town?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): Are municipal funds being exempt from being applied for this purpose? The statement would show that the Municipality are not liable for the expenses incurred for the water-supplies scheme.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, municipal funds will have to be applied.

MR. A. THANU PILLAI (*Trivandrum*): Then what is the meaning of saying that Government alone are spending?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it not a statement of *fact*? Who spends the money? Is it not the Government or is it the municipality that spends the money?

MR. A. THANU PILLAI (*Trivandrum*): So, is the Municipality to be exempted on that account?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If Mr. Thanu Pillai questions that statement of fact, I can answer. I shall not say now anybody questions that statement of fact.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): What was the necessity for rushing through the scheme?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall not say more whether any urgency was felt. But all the same the House felt the necessity for sanctioning the amount that was sanctioned for water-supply purposes. If the Government could spend money from their resources on their own accord, why should they at all ask the consent of the Municipality for spending the santioned amount?

MR. P. S. MAHOMED (*Nominated*): ഗവമെൻറു മുനിസിപ്പാലിററിയെ ടാക്സ് ചെയ്യുമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെ ചെയ്യുയില്ല.

MR. P. S. MAHOMED (*Nominated*): മുനിസിപ്പാലിററി ജനങ്ങളെ ടാക്സ് ചെയ്യുമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അപ്രകാരം ചെയ്യുന്നതിനാണു സഭ അനുവാദം തരണമെന്നു ചോദിക്കുന്നതു്.

MR. P. S. MAHOMED (*Nominated*): ഇതു് വേലചെയ്യിക്കുന്നതിനാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ സെക്ഷൻകൊണ്ടു അതു വരുന്നില്ല.

MR. P. S. MAHOMED (*Nominated*): എങ്കിലും ഫലം അതല്ലേ? വെറുതെ പണം കൊടുക്കണമെന്നാണോ പറയുന്നതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ വകുപ്പിൽ ഇത്രയുള്ളൂ.

All that this Section says is, Government are given power to supply water. The question of taxation does not arise there. The point is, should the Government be given the power or the privilege of supplying water to the citizen.

MR. A. THANU PILLAI (*Trivandrum*): Is it proposed that the Government will not tax the people of the Municipalities?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are only concerned with water-supply.

MR. A. THANU PILLAI (*Trivandrum*): Am I to understand that each Section in the Bill should be considered independently?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Regarding taxation, the House has already passed a clause. By taking away this provision, there arises a great difficulty in the matter of working. I will give an illustration. Suppose there is the spread of cholera epedemic in the city. We want to supply one million gallons of water. What will Government do if this power is taken away? By the amendment that is brought now, the power of Government would be taken away.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Could not the Municipality be given powers to supply water? Can Government suspend the powers of the Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Of course, Municipality can supply water. Even when the Government supply water, it does not follow that the Municipality's power is taken away. If Government wanted to suspend the powers of the Municipality and then supply water, I can understand the criticism.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): If Government approach the Municipality for consent, will that popular body refuse to consent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will not the Muncipality invariably give consent for such beneficent schemes suggested by Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then, where is the harm in giving that power to the Muncipality, is my question ?

MR. KAYALAM PARARMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be their work. I cannot deny that. It does not logically follow that because power rests with Government in the matter of water supply, the Municipality has no voice.

MR. A. THANU PILLAI (*Trivandrum*): Is not the Law Member hampering with the power of the Municipality ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not at all. The question is not really about hampering the power of the Municipality. As a matter of fact, they *can* supply water to the citizens of the Municipality. That power is not in any way interferred with. If the Municipality want it, the Municipality can supply water.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If the Government want to-day to give power to the people of the Municipality, I do not think the Municipal Council will come in the way.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is the question to be solved.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it the opinion of the member that the Municipality will stand between Government and the people and prevent Government from doing a beneficent thing ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not quite like that—my point is, I am prepared to supply water to the city. Why should I get the consent of the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is just to see that they are not abusing their powers. Suppose Government do it in a wrong way, who is there to safeguard the interests of the citizens in the Municipality ? The so-called popular body should be consulted and their tacit consent obtained.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We welcome the opinion of the citizens. No body is ever prevented from giving out his views. It is one of the obligatory duties of the Municipality to supply water.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Because they had no sufficient funds to work out the programme, they tried to tranfer the responsibilities to Government. From that does the member infer that their sense of duty was only so much ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : We are going off the point.

MR. A. THANU PILLAI (*Trivandrum*) ; So that, if Government are not prepared to do it, why should they consider such a proposition now ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think it necessary to answer the member.

MR. A. THANU PILLAI (*Trivandrum*) : So then, may I know, whether it was on account of the default of the Municipality once that/this provision is sought to be enacted ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government consider it necessary in the larger interests of the citizens as well as the State. The Government are prepared to supply water. Why should there be another's consent at all, I do not see ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : No, that is not the view to be taken by the Government. Suppose you are bringing impure water ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If the House thinks there is such a possibility, then members can devise other measures to check that evil tendency.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : It is only an assumption I make, not that it will actually be done. Suppose on one fine morning such impure water is distributed, what is the consequence ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is not hampering the powers of the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : What is the objection to the Municipality being given a voice, may I know ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government want to supply water to the Municipality. Why should you object ? That is the exact standpoint.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Just the reverse is the proposition.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Probably the member wants me to explain once more. . The fundamental difference is this. Government have power to supply water to the city. By that means, they are not going to impose any burden on the citizen. Government only want to bring good drinking water. Why do you stand in the way ? I am only saying, drink, drink the water I give you.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): By this rule, may I know, if Government is enabled to supply water —

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes,

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does not Section 205 say that the Municipality shall not be liable for cutting of the supply of water?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different provision.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does this enable Government to lay pipes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not to an individual citizen. Cutting off connection, etc., arise in regard to water connection in private houses. All that this Section says is that Government shall have power to supply water. Why not the Municipality welcome that? I only ask "allow me to supply water."

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): If this provision is not included, will it take away the powers of Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If Government have powers why not mention it specifically.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): But, how does it take away the powers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In fact it was felt that the Government could not undertake. It is not intended by this provision to hamper the power of the Municipality.

MR. S. CHTTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): What will be the result, if Government have powers otherwise, in the matter of water-supply?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not quite catch the member.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Could not Government restrict their powers in the matter of water supply?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Some doubt has been expressed as regards the provision, as it stands now.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): In the case of supply of water, may I know whose responsibility is it? Is it the Government or Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Municipality's primarily. Not only would the Municipality not do their duty, but would not allow Government to supply water. That seems to be the object of the criticism levelled by the other side of the House. The representatives of the people say that Municipality's power is being hampered. What I say is "look here; there is a beneficent scheme promulgated; allow the Government to work it out to the best interests of the citizens, because Government are concerned with the welfare of the State."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to the emphasis laid on the words "powers" and "duties", may I know, is it because of the fact that the Municipality has been found not doing its duty properly that the Government wanted to have power to supply water?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection to the member interpreting it in any manner. But the fact is this. The Trivandrum Municipality applied to Govarnment to supply water. Besides, they sent up a resolution urging them to supply water. In the Popular Assembly also, there were representations to that effect. But whether there was any dereliction of duty or not on the part of the Municipality, which induced them to apply to Government for water-supply, I shall not say. The fact is that the Municipality wanted Government to supply water.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Am I to understand that Government induced the Municipality to get their sanction?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); I have stated all the facts.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there not a rule under the existing Regulation which says that unless Government delegate their power to any Muncipality, the Government are themselves bound to fulfil their obligations?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is not the Municipality empowered to undertake certain obligatory duties under one section and that under another section are there not certain optional responsibilities for Municipalities in general to discharge?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is obligatory on the part of the Municipality to supply water.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Was it because that Government feel that they have no powers under the existing Regulation that they are now coming forward with this amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have undertaken to supply water. This is a fact. As such, to regularise their position, Government have to take some measures.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it to regularise their procedure?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not that I am saying that Government have no power. Government, as a matter of fact, had to supply water and then it appeared that it would be more regular to put it in the statute itself.

MR. A. THANU PILLAI (*Trivandrum*): Sir, the Law Member's arguments are based upon gross misconceptions. The basis is to be found in his own statement that consulting a Municipal Council in regard to water-supply system is exactly like consulting the College authorities. That seems to be his view about Municipal affairs and Municipal Councils. I take a contrary view. The Municipalities are brought into existence according to him to attend to Municipal duties. They attend to the needs of the Municipality, It is true I admit that some of our Municipalities are unable to discharge their functions properly. Government may say that this Trivandrum Municipality is not able to put forward sound proposals. They may say also that the views advanced by the non-officials are not quite sound from the point of view of the general tax-payer in the country; and so, Government are bound to override them. I can understand there may be occasions when the view expressed generally by this side of the House be wrong and the Government's position correct. But to make a statement that the responsiblity of Government is greater and so they should be empowered at all times to over-ride the decisions and recommendations of popular bodies is really astounding. The Municipal bodies are brought into existence with a definite purpose. It has been the idea of Government that these bodies should function; their powers should not be curtailed unnecessarily and they should be enabled to discharge their duties efficiently. When I speak of the duties and powers vested in a Municipal Council I do not for a moment forget that there is no power without a corresponding duty and no duty without a corresponding power. They are correlated. All that I say is, it is wrong on principle from the point of view of progressive self-Government to take away the powers vested in municipal bodies. Section 205 empowers Government to make the provisions relating to water-supply applicable to any particular Municipality. That does not mean that at every turn it should get the sanction of Government to lay pipes, or to do other works connected with water-supply. A Municipality might approach Government to have the provisions of that chapter applied to it and Government say, "yes". That means, that chapter so and so is applicable and there ends the matter. That for every little thing, sanction of Government has to be obtained seems to be the present proposal of the Law Member. It was stated by him that this Municipality neglected its duty and so Government have a right to step in and do the thing. I do not see eye to eye with him. It may be that the Municipality might not have been able to do things satisfactorily. For that matter; even, Government do not do their work always properly; they have their own short comings. Are they to be ignored in consequence of that? In that case, get rid of the Municipalities. If Government were to say "alright, we give you good water, what harm is there in accepting it. Quench your thirst". We agree. But if they ask us to pay beyond our means we would rather continue to be thirsty than drink water. That is my position. Municipal Councils are not irresponsible bodies,

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): For that matter, as between the Trivandrum Municipality or any other Municipality and the Travancore Government, whom would the member haul up first for dereliction of duty?

MR. A. THANU PILLAI (*Trivandrum*): Government is ultimately responsible for much that is at fault in the State.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*); The Law Member was saying very much about dereliction of duty on the part of the Municipality and also how Government had to come to its rescue. Cannot the same charge be levelled against Government also in the neglect of their duty?

MR. A. THANU PILLAI (*Trivandrum*): Yes, we can. As a matter of fact we have very often pointed out the Government's negligence in the discharge of even their ordinary duties.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member, is it anywhere stated in the Section that it is the obligatory duty of the Municipality to supply good water?

MR. A. THANU PILLAI (*Trivandrum*): Let it be like that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member was saying that it is the obligatory duty on the part of the Municipality to supply drinking water. He was laying emphasis on the word "obligatory". May I know from the member whether, as a matter of fact, water supply forms the obligatory duty of the Municipality?

MR. A. THANU PILLI (*Trivandrum*): That is one of the main functions of the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Are not the Municipalties doing that by sinking wells?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member where is it specifically stated in the Section that it is the obligatory duty of the Municipality to supply water?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, there is a Section.

DEPUTY PRESIDENT: Section 58 (F).

MR. A. THANU PILLAI (*Trivandrum*): That is made conditional upon the financial resources of the Municipality.

It cannot be said to be an unconditional obligatory duty. There is no denying the fact that it is one of the main functions of the Municipality to supply good drinking water as far as their funds permit. Whatever that be, so far as this amendment is concerned, my position is this. When these functions are allotted to a Municipal Council, by law, whether obligatory or conditional, or otherwise, why should Government step into the shoes of the municipality ignoring its existence even. The Law Member's question to me is very interesting. He asked me what is the good of consulting the College authorities I can understand and answer that; they exist for imparting education. All that I can say is, Colleges exist for imparting education,

[Mr. A. Thanu Pillai]

The Municipal Council has to look after the comforts of the inhabitants of the city. The Law Member was stating that it is the duty of the Government and not the Municipality to attend to the health of the city as a whole. He is of the opinion that Government is the supplier of water. I do not want to create conflicts and deadlocks. All that I say emphatically is, Government should get the consent of the Municipality and a municipality, if it is a reasonable one, will certainly agree to the wishes of Government. If they withold their consent, that will only be generally on very strong grounds. The Law Member says, again, and again that this Section should be considered independently of every other Section in the Bill. I am not able to see the logic of it. If Government work a water-supply scheme, by all means let them do it. I have no ojection. They may supply us good drinking water. They may very well ask the Municipality to contribute such sum as will be within the competence of the rate-payers of the Municipality. I think it is only fair that a municipal body composed of the representatives of the people agree to part with such sum as will be within their competence to pay for a necessary purpose like this. If and when the Government approch a Municipality and appeal "well, here is a proposal for the supply of good drinking water to the inhabitants of the Municipality what do you say to it? The cost of the scheme is so much. Your contribution will come to so much; the annual maintenance will cost so much; the intial outlay on the scheme will be so much; the recurring expenditure will be so much. Do you want such a costly scheme? Are you agreeable?" A Municipality will certainly consider all these aspects and say if their financial resources can bear the cost of such a scheme "Alright, we can have it. We shall pay such and such amount". If their financial resources are only less they may say "We are not rich enough to contribute as you want us to do. We will also bear a portion of the cost. We shall work a cheaper scheme. We shall be satisfied with a smaller quantity of good water for the town." For example in Trivandrum there are localities where there is abundant good water. Vellayambalam for instance contains good wells. Nanthancode is another locality which has good well water. Also Thaikad and Vazhuthaikad. In these places, no pipe water is necessary." There must be some mutual understanding beween the Government and the Municipality. Instead of that, if the Government say that a water supply scheme is essential in the interest of the town as a whole, or in some other interest in spite of the fact that the scheme entails a large outlay, and force it on the Municipality, that is a very hard position for the Municipality to bear. Let the Government work the scheme themselves and the Municipality contribute what they can. That position I can understand. The Law Member now says that a big scheme has been undertaken and begun. Government want to regularise it. Who wanted them to undertake it? If it is the Government themselves, of their own accord, let them work it. If Government have made a mistake of their own accord, and spent large sums of money on their responsibility, is it right, I ask, to call upon the Municipality

and the rate-payers to divert whatever funds Government want. I was raising the same objection yesterday in regard to the 10 per cent. of the rental value which is beyond the power of the citizen of Trivandrum Municipality to pay. If the Municipality were consulted in time, they would not have agreed to such a cost by scheme. Here is Mr. Mahomed who says that if the Alleppey Municipality wants it, they will first consider the question whether they want such a costly scheme or not. It may be, what a Municipality could do with 20 thousand rupees, Government will spend a lakh of rupees on. The chances are that Government expenditure will go up. They may be paying their Engineers Rs. 700 or Rs. 800, while the Municipalities can get competent engineers for smaller pay. In the same manner, Government may maintain a larger staff for what Municipality could do with a smaller staff. Further, the Municipality may be satisfied with a smaller scheme. It is in that connection I say that the representatives of the Municipality have a right to be heard. I do not mean any disrespect to Government. Nor do I want to lower its prestige.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing more to say by way of reply.

The amendment of Mr. Thanu Pillai was put to vote and lost.

MR. A. THANU PILLI (*Trivandrum*): I demand a poll. A poll was taken with the following result;

AYES—19.

1. Mr. Joseph Kunju
2. „ K. Gopalakrishna Pillai
3. „ A. S. Damodaran Asan
4. „ K. P. Kochukora Tarakan
5. „ E. V. Krishna Pillai
6. „ A. Narayana Pillai
7. „ M. N. Narayana Menon
8. „ P. S. Mahomed
9. „ K. Narayanaperumal Nadar
10. Mr. K. P. Nilakanta Pillai
11. „ N. K. Krishna Pillai
12. „ M. P. Madhavan Pillai
13. „ K. P. Madhavan Pillai
14. „ K. Madhavan Pillai
15. „ Rama Varma Raja
16. „ S. Krishna Pillai
17. „ K. Kunjukrishna Pillai
18. Mrs. Anna Chandi
19. Mr. A. Thanu Pillai

NOES—22.

1. Mr. C. N. Tuppan Nambutiripad
2. „ K. P. Abraham
3. „ K. C. Chandi
4. „ S. Chattanatha Karayalar
5. „ M. Govindan
6. „ N. John Joseph
7. „ K. Padmanabha Panikkar
8. „ Tariatu Kunjitomman
9. „ Kayalam Paramesvaran Pillai
10. „ R. Nilakanta Pillai
11. „ C. N. Srirenganatha Sastri
12. Mr. A. Kumara Pillai
13. „ K. George
14. Rao Sahib Dr. N. Kunjan Pillai
15. Mr. S. C. H. Robinson
16. „ R. Dhanukoti Pillai
17. „ N. K. Padmanabha Pillai
18. „ B. Narayana Pillai
19. „ N. Nilakanta Pillai
20. „ C. O. Madhavan
21. „ J. S. Westerdale
22. „ E. G. McAlpine

[Mr. A. Thanu Pillai]

NEUTRALS—NIL.

The amendment was declared lost. 19 voting *for the amendment*, 22 against and none remaining neutral.

DEPUTY PRESIDENT: I take it that Cluse IV, Section 198, do form part of the Bill.

The motion was carried and the Clause was added to the Bill.

SECTION 199.

DEPUTY PRESIDENT: It is better we proceed Section by Section for the sake of convenience. There are several Sections in a clause and hence we will deal with them one by one.

The following amendment was not moved:

Mr. A. THANU PILLAI: In the proposed Section 199 (1) between the words "may" and "provide" insert the words "and whenever a water-tax is levied, shall,"

MR. A. THANU PILLAI (*Trivandrum*): Sir, I move, in the proposed Section 199 (3) for the words "as may be fixed by Our Government after ascertaining to views of the Municipal Council" substitute the words "as may be agreed upon by our Government and the Municipal Council."

Section 199 (3) as proposed by the Select Committee is as follows:—

"(3) Notwithstanding anything contained in sub-section (2), it shall be lawful for Our Government to work the Government water-supply system through their own officers, and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government."

The Section says that Government can call upon the Municipality to pay such sums as they think fit for purposes of water-supply scheme. What I have to say with regard to this has already been said in connection with my other amendment. Now we have enacted provisions empowering Government to work their own water-supply system within the Municipality even without its consent, and in spite of its opposition. Government may or may not consult; may or may not agree with their views; may ignore the opposition of the Council. Then the question in such cases, is, is it right that the Government should be allowed to call upon the Municipality to contribute and if it is right, then the point is to what extent can they be so called upon to pay. Here is a provision which says that the Government may fix their own amount. If $1\frac{1}{2}$ lakhs of rupees is the annual income of a Municipality, Government may ask the Municipality to pay $1\frac{1}{2}$ lakhs of rupees for the supply of water. If that is so, the Municipality has no other course but to pay. No doubt, yesterday we have fixed 10 per cent as the rental value to be collected as maximum water cess. After having fixed so much, could not Government at least have so much confidence in the good sense of the Municipality as to have the

same fixed by agreement? Could not the Government be satisfied with a provision that in this case, they can authorise the municipality to collect the agreed sum.

There is another aspect of the matter. The provision, as it is, empowers Government to fix a contribution which may be in excess of the 10 per cent. that the Municipality may collect on this account. In one Section we lay down that a Municipality can collect up to 10 per cent as water cess. This provision says that Government may call upon the Municipality to pay such sums as they desire. It may be more than 10 or 25 per cent. If the Government so desire, there is nothing to prevent them from calling upon the Municipality to divert all their funds, or even to borrow and supply funds. That, Sir, is really an intolerable position.

MR. RAMA VARMA RAJA (*Edavagai*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. Let me make it perfectly clear that this provision is really intended for the Trivandrum Municipality alone.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I wish to know whether the Law Member is in order when after having put forward a measure to affect the whole of the State he seriously tells the House again and again that it is to apply to the Trivandrum Municipality alone. Is he in order in doing so?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to know under what Standing Order the point of order is raised?

Sir, I was saying that this provision is intended to apply to the Trivandrum Municipality alone. If any apprehension is felt by any member I have not the least objection to make a proviso saying that this shall apply to Trivandrum alone. The circumstances that led to the necessity of making such a provision with regard to the Trivandrum Municipality are well known to the House.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether there are two canons of legislation, one applicable to the Trivandrum Municipality and the other applicable to the other Municipalities?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am not going to answer that question.

This provision is really intended to apply only to the Trivandrum Municipality and the circumstances that led to it are well known to the House. I need only say that circumstances have so turned that Government had to undertake to supply water to the Trivandrum Municipality and, when water is supplied, necessarily the question arises as to how that water-supply is to be worked and who will have to pay for that, either the general tax-payer or the Municipality. Now the Government felt that the Municipality may not be able to handle the system, at any rate at its initial stages, and that the Government may have to take up the work. When it happens to be decided that it is the

[Mr. Kayalam Paramesvaran Pillai.]

Government that should work out the scheme, the question will arise as to who is to contribute to the expenses of the water-supply, the Municipality or the general tax-payer. The Municipality will obviously have to pay for the working expenses because the general tax-payer has already paid nearly fifty lakhs of rupees for the capital expenditure. Now I ask, is it right to call upon the general tax-payer to contribute for the working expenses which will come to one or one and a half lakhs of rupees. In this matter there are two parties, the Municipality on the one hand and the general tax-payer on the other. If the Municipality does not pay, the general tax-payer will have to pay. Anyhow some body will have to pay. It is not at all fair that we should get the *consent* of one of the parties, of the Municipality. Of course they must be consulted. There are now the two parties and it is for the Government to *decide* who should pay.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the Municipality bound to disgorge the whole of the ten per cent water-tax realised?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question does not arise from this amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Government could call upon the Municipality to realise ten per cent of the annual rental as water-tax.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government cannot call upon them. It is the Municipality that should tax.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the municipality bound to disgorge the whole of the rent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Some body must contribute to the working expenses and that must be contributed either by the general tax-payer or the Municipal Council. It is the Municipality that is immediately affected by the water-supply scheme. The question is as to who should pay. There are two parties the general tax-payer appearing as the defendant as it were on the one side and the Municipality as the plaintiff on the other side. Now I think it is the duty of the Government to come as an arbitrator and decide between the two parties. No doubt there is the provision to ascertain the views of the Municipality.

MR. A. THANU PILLAI (*Trivandrum*): May I know who are the two contending parties?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will explain it once more. The two parties are the general tax-payer being the defendant and the Municipality

the plaintiff. Some body must pay for the water. If the Municipality pays one rupee the general tax-payer will have to pay one or one and a half lakh of rupees minus one rupee. If it pays ten rupees the general tax payer will have to pay less that amount. That is the real situation.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : May I know who is responsible for this situation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The general tax payer has already paid fifty lakhs of rupees for the capital expenditure. Now who is to pay for the working expenses?

MR. A. THANU PILLAI (*Trivandrum*) : What about the conflict between the general tax payer and the municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Really it is a competition. No doubt the Municipalities views must be ascertained.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : What is the objection to the amendment of fixing " such amount as may be realised in the shape of water tax."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If the amendment is tabled to that effect I will consider that.

It is reasonable to say that the Municipality should be consulted. But it is not right to say that their consent should be taken. It is quite illogical and groundless. This provision is intended to apply only to the Trivandrum Municipality. And I have no objection in accepting any amendment to the effect that it shall not apply to the other Municipalities. As I said before a general Bill to apply to the whole State is under preparation and it will be introduced in the new legislature before long.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Can the Municipality appropriate to itself the balance out of the 10 per cent. tax if the contribution comes to less?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think the Municipality would tax 10 per cent. while one per cent. is sufficient to meet the demand on them. They cannot appropriate to themselves any surplus under this head. The tax is only for defraying the expenses of the water-supply.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : When they are empowered to impose only to a ten per cent. tax under this Section and it is found that the amount which is necessary will work out at a larger percentage, how will the member reconcile the two inconsistencies? Will the Law Member drive the Municipality into liquidation or will he bring forward any Bill to make a provision for imposing enhanced taxation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have no desire to drive any Municipality into liquidation. I can assure the member, if he really feels a sincere doubt, that there is no need to entertain such an idea at all.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Supposing 15 per cent. taxation is necessary to meet the expenditure that will have to be incurred for carrying the works connected with water-supply, and here in the Regulation it is only 10 per cent. taxation that has been permitted; how will the Government make up the difference? Will they compel the Municipality to make good the difference?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government will consider the amount that can reasonably be contributed by the Municipality.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I take it that under this Section Government will be empowered to claim only the ten per cent. taxation that is collected by the Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The wording in the Amendment Bill only says that Government can call upon the Municipality to make the contribution.

MR. S. KRISHNA PILALI (*Karunagapalli*): Then, should we not have a Section which will be consistent with Section (3), clause (7)?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no question of consistency between this and that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Should we not provide against a contingency?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is not even a contingency. If the Municipality does not get the necessary amount to make the full contribution, there is nothing to prevent it from paying from other funds if it can affords Suppose it is able to make the contribution without resorting to taxation for the purpose. It can very well do it. There is no legal relation between the contribution and the source from which it comes. The only legal relation is that the contribution is made for the purpose of defraying the expenses of water-supply. Before the Government call upon the Municipality to pay, Government will certainly consider the resources of the Municipality, its ability to pay, its ability to tax and capacity of the citizens to bear the taxation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will it be acceptable to the member if a proviso like this is added-"provided such contribution does not exceed 10 per cent. or 15 per cent. of the annual rental value of the land"?

This is the same as in clause 3 already amended.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not able to answer so long as the amendment is not before the House.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I think the Chair will give permission to move the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Srkiar Vakil*): Sir, I shall not object to such an amendment on the ground of want of notice. But so far as the amendment now before the House

is concerned, the only question is whether the *agreement* of the Municipality should be taken or whether it is enough if the *views* of the municipality are taken. It is quite illogical and unreasonable to say that the Government should obtain the agreement of the Municipality.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, with your kind permission, may I move an amendment?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I have already asked permission to move an amendment.

DEPUTY PRESIDENT: I think your amendments are the same and the Law Member agrees not to object to the amendments on the ground of want of notice.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir my amendment is ... ...

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I have sought for permission already to move an amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Thanu Pillai's amendment is to substitute the words "as may be agreed upon by the Government and the Municipal Council" for the words "as may be fixed by Our Government after ascertaining the views of the Municipal Councll". My amendment is this that the whole Section be read as follows:—

"Notwithstanding ... ...

DEPUTY PRESIDENT; I think your amendment may be moved after the present amendment is put to vote.

MR. A. THANU PILLAI (*Trivandrum*): Sir, in my reply I do not want to take much time. I want to draw the pointed attention of the House to the fact that again in this case the Law Member has said that this will affect only the citizens of Trivandrum and not the other people in the State and on that should depend the voting. If that is the principle on which such things should be done by a legislative body, I have no objection in distinguishing Trivandrum for purposes of legislation and for placing Trivandrum alone in one category while all the other parts of the State are placed in another. That matter has been emphasised again and again by the Law Member, that the voting should depend on the fact that this is to affect the Trivandrum citizens alone. That is the strongest argument put forward by the Law Member. After all, he said that the Municipality is one party and the general tax-payers form the other party and the Government are arbitrators. Even according to him, it is the arbitrator who brings about the contract between the two parties and then sets about to arbitrate. Sir, I say that it is this Government that bring about the trouble and the conflict between the Trivandrum Municipality and the general tax-payers and then it is Government that also come in between the two and arbitrate. I ask who is responsible for this conflict? The Government themselves are responsible. That is the kind of claim that the Law

[Mr. A. Thanu Pillai.]

Member put forward on behalf of Government to arbitrate on this matter. The Trivandrum Municipality or the general tax-payer was no party to any contract or any engagement or any transaction between themselves and any other party for Government to step in and arbitrate. But, Government did everything of their own accord and then this situation is created by them. The Law Member says "we will arbitrate as we will be the best judges".

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose it is not possible to arrive at an agreement between the Government and the Municipal Council. Who will have to pay and how will the Government or the person running the water-supply system be in a position to manage the establishment?

MR. A. THANU PILLAI (*Trivandrum*): Sir, with regard to that, when Government do undertake such a work of their own accord, does it not follow that they must find out the means of meeting the situation. Is it not ordinary justice? Of course, my friend puts me the question and, as a lawyer, he knows very well, that when Government themselves undertake this work, they would not be justified in calling upon the Municipal Council or the Municipality to pay beyond their means.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it with the consent of the Municipality or without its consent that the work itself was undertaken?

MR. A. THANU PILLAI (*Trivandrum*): Without its consent.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then, for purposes of meeting the expenditure why should Government go in for the consent of the Municipality?

MR. A. THANU PILLAI (*Trivandrum*): True, but what could I do? I used, I suppose, all my powers to prevent that provision from being passed, but it has been accepted by the House and there was no helping it.

MR. S. KRISHNA PILLI (*Karunagapalli*): Does not the member now think that to go in for the express consent of the Municipality now is a little bit too late?

MR. A. THANU PILLAI (*Trivandrum*): It is too late so far as the work is concerned. It is a municipal function—a function falling within the province of the Municipal Council and Government should not interfere. But I was out-voted. Let them interfere then, but let them not interfere to the financial detriment of the citizens of the Municipality, to impoverish them and to place a liability on them to pay beyond their means. Government want unrestricted powers. I say that they may exercise those powers. But let them not tax the Municipality beyond their powers.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Suppose the Municipal Council does not come to any agreement with the Government. Who will have to pay?

MR. A. THANU PILLAI (*Trivandrum*): Government will have to pay.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): That means the general tax-payer.

MR. A. THANU PILLAI (*Trivandrum*): Of course. When I say Government will have to pay, it means what it really means. Whether we should legislate to that effect is the question. If Government do not do things properly, there are other ways of rectifying. If we see that Government do not conduct themselves properly there must be other means of rectifying their mistakes and preventing this misconduct.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to add.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Are we to vote on this amendment on the understanding that Mr. E. V. Krishna Pillai's amendment would be permitted to be moved?

DEPUTY PRESIDENT: I think you may take it that the Law Member will waive his right of notice. I will allow that. Upon that understanding you may vote.

The amendment was put and lost.

MR. A. THANU PILLAI (*Trivandrum*): I demand a poll.

A poll was taken with the following results.

AYES—7.

1 Mr. K. Gopalakrishna Pillai
2 „ N. K. Krishna Pillai
3 „ K. P. Madhavan Pillai
4 Mr. M. P. Madhavan Pillai
5 „ K. P. Nilakanta Pillai
6 „ Rama Varma Raja
7 Mr. A. Thanu Pillai

NOES—34.

1 Mr. K. P. Abraham
2 Mrs. Anna Chandi
3 Mr. K. C. Chandi
4 „ S. Chattanatha Karayalar
5 „ A. S. Damodaran Asan
6 „ M. Govindan
7 „ N. John Joseph
8 „ Joseph Kunju
9 „ K. P. Kochukora Tarakan
10 „ E. V. Krishna Pillai
11 „ S. Krishna Pillai
12 „ Tariatu Kunjitomman
13 „ K. Kunjukrishna Pillai
14 „ K. Madhavan Pillai
15 „ P. S. Mahomed
16 „ M. N. Narayana Menon
17 „ K. Narayanaperumal Nadar
18 „ A. Narayana Pillai
19 Mr. K. Padmanabha Panikkar
20 „ C. N. Tuppan Namputiripad
21 „ R. Dhanukoti Pillai
22 „ K. George
23 „ A. Kumara Pillai
24 Rao Sahib Dr. N. Kunjan Pillai
25 Mr. C. O. Madhavan
26 „ E. G. McAlpine
27 „ B. Narayana Pillai
28 „ N. Nilakanta Pillai
29 „ R. Nilakanta Pillai
30 „ N. K. Padmanabha Pillai
31 „ Kayalam Paramesvaran Pillai
32 „ S. C. H. Robinson
33 „ C. N. Srirenganatha Sastri
34. Mr. J. S. Westerdale

NEUTRALS--Nil.

The amendment was declared lost. 7 voting *for* the amendment, 34 *against* and none remaining *neutral*.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I move the following amendment.

Add at the end of sub-section (3) of Section 199, the following proviso:—

"*Provided that such amount shall not exceed the amount that the municipality can raise by taxation under the provisions of Section 61 (7).*"

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I second it. In seconding that I wish to say that I would like to move an amendment to this proviso.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will require notice of that.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Then I will not move that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There is a difficulty in accepting that amendment. Section 61 lays down that the Municipality shall impose a tax not exceeding 10 per cent. That includes the present taxation which the Municipality is empowered to impose and the amount that the Municipality is utilising for other purposes.

DEPUTY PRESIDENT: I think Section 61 (7) clearly lays down that that the amount can be utilised only for water-works and drainage. It is there in the amendment you have already passed. Even under the old Rgulation you had a similar provision.

The existing Regulation says as follows:

"Provided that such tax shall be levied only to enable the Municipal Council to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore or hereafter to be provided and the proceeds of the said tax shall be solely devoted to defraying the expenses".

So that it is there already in the Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): By Section 61 (7) we have already passed a proviso to the effect that a yearly water and drainage tax on buildings or lands or both not exceeding 10 per cent. of the annual value of such building or land may be imposed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So the Municipality has power to impose tax up to 10 per cent. in the shape of water-tax alone. That is not a very comfortable position.

MR. K. GEORGE (*Chief Secretary to Government*): The House seriously contended that no minimum be fixed as regards the annual value on the buildings or land or on both as tax.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The existing Regulation was intended to be amended. Now the impression created is entirely different.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to take it that that amendment has been accepted?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am also in the same mistery. I never thought that we are passing such a troublesome provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I must say, Sir, that Government at present have no intention of asking the Trivandrum Municipality or for that matter any Municipality to contribute more than what they could raise under Section 61 (7) by way of tax. I further beg to submit that this amendment Bill will be in force only for about two years and a comprehensive provision affecting the taxation in regard to all Municipalities in general will shortly be introduced in the new Assembly that is to be brought into existence. During these two years the Government have no idea of asking the Trivandrum Municipality to contribute anything more than what the Municipality can raise by way of taxation under Section 61(7).

At the same time there is one difficulty in accepting the proviso. It may be that the Municipality has accumulated surpluses. If the Municipality can afford to pay from such sources, let them by all means do so. The balance if any, remaining unpaid need alone be met by the general tax-payer. All that I want to say is that the Government have no idea of calling upon the Trivandrum Municipality to pay more than they can bear.

MR. A. THANU PILLAI (*Trivandrum*): You have been saying that it is mainly the responsibility of Government to supply water to the inhabitants of the city.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the Municipality is able to pay, I have no objection to their meeting the expenses from other sources—only if they can. It is not compulsory on their part to effect the whole payment by raising taxes.

DEPUTY PRESIDENT: The amendment before the House is that the following proviso to Section 199 (3) be incorporated with Mr. Thanu Pillai's amendment, the Section will read thus: "Not withstanding anything contained in sub-section (2) it shall be lawful...... ....of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government".

The above proviso was put to vote and declared carried.

MR. A. THANU PILLAI (*Trivandrum*) : I demand a poll.

A poll was taken with the following result:—

AYES—25.

1 Mr. Joseph Kunju	13 Mr. K. P. Nilakanta Pillai
2 „ John Joseph	14 „ K. Padmanabha Panikkar
3 „ M. Govindan	15 „ E. V. Krishna Pillai
4 „ K. C. Chandi	16 „ N. K. Krishna Pillai
5 „ K. Gopalakrishna Pillai	17 „ M. P. Madhavan Pillai
6 „ S. Chattanatha Karayalar	18 „ K. P. Madhavan Pillai
7 „ A. S. Damodaran Asan	19 „ K. Madhavan Pillai
8 „ K. P. Kochukora Tarakan	20 „ M. Rama Varma Raja
9 „ A. Narayana Pillai	21 „ S. Krishna Pillai
10 „ M. N. Narayana Menon	22 „ Tariatu Kunjitomman
11 „ K. Narayanaperumal Nadar	23 „ K. Kunjukrishna Pillai
12 „ P. S. Mahomed	24 Mrs Anna Chandi
	25 Mr. A. Thanu Pillai

NOES—15.

1 Mr. C. N. Tuppan Namuptiripad	8 Mr. B. Narayana Pillai
2 „ R. Dhanukoti Pillai	9 „ N. Nilakanta Pillai
3 „ K. George	10 „ R. Nilakanta Pillai
4 „ A. Kumara Pillai	11 „ N. K. Padmanabha Pillai
5 Rao Sahib Dr. N. Kunjan Pillai	12 „ Kayalam Paramesvaran Pillai
6 Mr. C. O. Madhavan	13 „ S. C. H. Robinson
7 „ E. G. McAlpine	14 „ C. N. Srirenganatha Sastri

15 Mr. J. S. Westerdale

NEUTRAL 1.

Mr. K. P. Abraham

The amendment was declared, carried 25 voting *for* the Amendment, 15 *against* and one remaining *neutral*.

DEPUTY PRESIDENT : I put it to you that there is no amendment to Section 200, that Clause do form part of the Bill.

The motion was carried and the Section was added to the Bill.

The following amendments were not made.

MR. K. P. NILAKANTA PILLAI:

In Section 201, clause 2, line 2, substitute the word "shall" for the word "may".

In Section 203, clause 1, substitute the word "shall" for the word "may".

DEPUTY PRESIDENT : As there are no amendments to Sections 201 and 203, I put it to you that these do form part of the Bill.

The motion was carried and the Sections were added to the Bill.

The House adjourned at 5 P. M.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT.*)

Thursday, the 15th December 1932/1st Dhanu 1108.

The Council met in the Victoria Jubilee Town Hall at eleven thirty-two of the Clock, the President presiding.

QUESTIONS AND ANSWERS.

Improvement of irrigation tanks in Chirayinkil taluk.

48. **MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Will the Government be pleased to state what action has been taken by them towards the restoration and improvement of the irrigation tanks in Chirayinkil taluk, the necessity of which has been brought before the Irrigation Committee?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Investigation has been conducted in respect of the following:—

(1) Restoration of the Devaswaram tank in Kilimanoor.

(2) Restoration of Pazhanchira in Chirayinkil.

(3) Restoration of Ramanalloor tank in Nagaroor.

Arakkal kadavu road at Edapally.

49. **MR. K. GOPALAKRISHNA PILLAI** (*Parur*): With reference to my questions asked at the last session of the Council, regarding the Arakkal *kadavu* road at Edapally in Parur taluk, will the Government be pleased to state:

(*a*) whether any part of the proposed site was placed at the disposal of the Government by the people;

(*b*) the extent of the land that has to be acquired;

(*c*) whether negotiations are going on; and

(*d*) whether the road was estimated for and included in the budget on a previous occasion?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(*a*) Information has been called for through the Revenue Department.

(*b*) This has not been estimated.

(*c*) Yes.

(*d*) The estimate can be prepared only after receipt of information on points (*a*) and (*b*) above. As regards the latter portion of the question, the answer is in the affirmative.

G. P. T. 1696—300

Number of cases on the file of the First Class Magistrate's Court, Kottayam.

50. **MR. K. P. MADHAVAN PILLAI** (*Shertallai*): Will the Government be pleased to state:

(*a*) the number of cases on the file of the First Class Magistrate's Court, Kottayam, and the number of criminal appeal cases; and

(*b*) the extent of jurisdiction of the said Magistrate's Court?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The number of cases on the file of the first Class Magistrate's Court, Kottayam, on the 21st Vrischikam 1108 was 380.

The number of appeal cases pending was 21.

(*b*) The jurisdiction of the Court extends over the taluks of Kottayam, Changanachery, Meenachil and Vaikom.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): May I know the number of cases pending before the First Class Magistrate, before the re-adjustment of jurisdictions?

MR. K. GEORGE (*Chief Secretary to Government*): That information has not been called for.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): What was the extent of jurisdiction before the beginning of 1107?

MR. K. GEORGE (*Chief Secretary to Government*): I am not able to say.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Did the jurisdiction extend to all the taluks mentioned in part (*b*) of the answer?

MR. K. GEORGE (*Chief Secretary to Government*): With some slight changes. There was a Munsiff-Magistrate at Kanjirapalli who had jurisdiction over Changanachery.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): About Changanachery?

MR. K. GEORGE (*Chief Secretary to Government*): Changanachery had also a First Class Magistrate.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is the member aware of any cases pending before the District Magistrate's Court?

MR. K. GEORGE (*Chief Secretary to Government*): No.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Does the appellate jurisdiction of the First Class Magistrate's Court extend only over the taluks mentioned in part (*b*) of the answer?

MR. K. GEORGE (*Chief Secretary to Government*): It includes Shertallai also.

Radio-receiving sets in the Observatory.

51. **MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Will the Government be pleased to state:

(*a*) whether there are two radio-receiving sets in the Observatory, Trivandrum;

(b) the persons from whom those sets were directly purchased; and

(c) the necessity for two radio-receiving sets?

MR. K. GEORGE (*Chief Secretary to Government*) : (a) The answer is in the affirmative.

(b) The first set was purchased from the "General Service Company," Madras. The second set was purchased from Mr. T. T. Thomas, Trivandrum.

(c) A radio set occasionally goes out of order and it takes time to put it in working condition. An additional set is useful on such occasions to get the correct time for the time gun, which would otherwise be difficult.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether the radio set that was purchased from the "General Service Company", Madras, was a second-hand one?

MR. K. GEORGE (*Chief Secretary to Government*) : No, no. The parts were obtained from that Company and assembled in Madras. It was not a second-hand set.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether the set that was purchased from Mr. T. T. Thomas was a second-hand one?

MR. K. GEORGE (*Chief Secretary to Government*) : Yes, of course it was a second-hand set. It was purchased from him.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know what is the purpose of these sets?

MR. K. GEORGE (*Chief Secretary to Government*) : That is given in the answer to part (c) of the question.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : The purpose is not given there.

MR. K. GEORGE (*Chief Secretary to Government*) : Yes. The answer says that an additional set is useful to get the correct time for the time gun.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Which gun?

MR. K. GEORGE (*Chief Secretary to Government*) : There are three guns which are fired, one at 5 a. m., another 12 noon and the third at 8 p. m.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : How does the radio set help?

MR. K. GEORGE (*Chief Secretary to Government*) : It helps in getting the standard time from other places.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Does it require the service of the radio set to hear the gun fired in Trivandrum?

MR. K. GEORGE (*Chief Secretary to Government*) : It is to get the exact observatory time.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : For what?

MR. K. GEORGE (*Chief Secretary to Government*): To correct the time with reference to the standard time fixed elsewhere.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know how the time was corrected before the radio set was received?

MR. K. GEORGE (*Chief Secretary to Government*): I have not got the information, but I think, it was corrected now and then. I am not quite sure how it was done.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know how the time is corrected in Greenwhich itself?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether it is not by astronomical calculations that the time is corrected?

MR. K. GEORGE (*Chief Secretary to Government*): Yes. But the clock in our Observatory may get slight variations.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I inform the member that clocks are generally corrected in Observatories by astronomical observations and not by radio receiving sets?

MR. K. GEORGE (*Chief Secretary to Government*): The correct time can be got from other Observatories by means of the radio sets.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know what is it that generally gets damaged in these radio sets ordinarily?

MR. K. GEORGE (*Chief Secretary to Government*): I have no knowledge of the parts of the radio sets.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether it is not the valves that generally get out of order?

MR. K. GEORGE (*Chief Secretary to Government*): I said I do not know.

MR. K. KUNJUKRISNA PILLAI (*Quilon*): I am asking this question in order to get further information.

PRESIDENT: The Chief Secretary has said that he does not know.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): But should I not have an answer so long as my question is relevant to the question that I have given notice of? Otherwise why should notice of questions be given? May I know how the radio sets get out of order?

MR. K. GEORGE (*Chief Secretary to Government*): That sort of technical information I do not know. But I know that two sets have been purchased and also the purpose for which they are purchased.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government will ascertain the exact use to which these radio sets are put and may I know whether the Government will consider if it is absolutely necessary to have these two radio sets and look into the matter?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

Discharge of acting hands and re-entertainment of disbanded men in their stead in the Survey Department.

52. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*) : Will the Government be pleased to state :

(*a*) whether the Land Revenue Commissioner has ordered the discharge of certain acting hands and the re-entertainment of certain disbanded persons in their stead in the Survey Department ; and

(*b*) if the answer to part (*a*) is in the affirmative, the principle on which he has done so?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) Juniors were discharged to provide for the disbanded subordinates of the Survey and L. R. M. Department who were seniors.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : With reference to the answer to part (*b*), may I know whether the seniority was determined according to the date of first entertainment or according to service ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : According to the date of first entertainment.

Gradation list of disbanded subordinates of the survey and L. R. M. Department.

53. **MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : Will the Government be pleased to state :

(*a*) whether there is any gradation list of the disbanded subordinates of the Survey and Land Records Maintenance Department ;

(*b*) if so, whether that list has been approved by the Land Revenue and Income-Tax Commissioner ;

(*c*) whether the Land Revenue and Income-Tax Commissioner had sent any communication to the Superintendent of Survey asking him to follow strictly the gradation list above referred to in the matter of appointments and confirmations ; and

(*d*) if so, whether the Superintendent of Survey has followed it and, if not, why not ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : (*a*) Yes.

(*b*) Yes.

(*c*) The answer is in the affirmative.

(*d*) The Superintendent, Travancore Survey, has followed the instructions in the matter and has provided eight men included in the list with permanent places and 15 men included in the list with acting or temporary appointments.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : With regard to part (*d*), may I know whether the Superintendent, Travancore Survey, has appointed anybody in disregard of this order of the Land Revenue Commissioner ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : I cannot say that. That information has not been called for.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government will call for that information?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

Compassionate allowance for the widow and children of Kochukunju Pillai, late teacher in the Kunnam V. M. School.

54. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) whether Mr. Kochukunju Pillai, who was an assistant teacher in the Kunnam V. M. School, was murdered last year and his widow has applied for some allowance for her maintenance and for the education of her children; and

(*b*) if the answer to part (*a*) is in the affirmative, the action taken on that application?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) and (*b*) There is an application from the widow for compassionate allowance and her claim is under investigation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know at what stage the investigation is at present?

MR. K. GEORGE (*Chief Secretary to Government*): The Dewan Peishkar has been asked to report about the circumstances.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That report has not been received?

MR. K. GEORGE (*Chief Secretary to Government*): No.

Punishment of Proverthicar for omission of names in the voters' lists at the last election.

55. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state whether in the taluk of Kalkulam or Agastisvaram any Proverthicar was punished for omitting the names of persons eligible to vote for the Legislative Council during the last elections?

MR. A. KUMARA PILLAI (*Secretary to Government*): The answer is in the negative.

Delay in carrying out works budgeted for the current year.

56. **MR. K. P. MADHAVAN PILLAI** (*Shertallai*): Will the Government be pleased to state why the works allotted and budgeted for the current year are not taken up till now (9-4-1108)?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Unless the works are specified, it is not possible to locate the delay, if there be any.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): May I know from the member whether any of the public works allotted for the Kottayam Division has been taken up till now?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Sir, the question is vaguely worded.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Now I am asking specifically about Kottayam Division.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : I claim notice because that was not in the original question.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : The answer is "unless the works are specified it is not possible to locate the delay, if there be any." I ask whether any works had been undertaken at all ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Generally the first quarter of the year is taken up with the arrangements for starting the works and it is only after these arrangements are completed, that it is possible for the execution of the works to be taken up.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Are the Government aware that after allotting funds, the amount is allowed to lapse ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Yes, if at the close of the year any work is not done.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Are the Government aware of many such instances ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Some funds might have lapsed ; but the major portion, of course, is being used.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Is the Public Works Department going to take up any work for which provision has been made in the Budget ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Sir, it is just for that, provision is made in the Budget.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Then, why is it that no work has been taken till now ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Works have been taken up. Because the question was vaguely worded, the present answer was given.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : May I know from the member what is the meaning of allotting funds and not taking up the work throughout the year ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : I do not say that works have not been taken up. As a matter of fact several works have been taken up. But the question did not refer to any specific work.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : May I bring to the notice of the member that after funds were allotted consecutively for three years, the works have not been taken up ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : If the member will give specific instances, then it can be verified.

Working of the Taluk Co-operative Bank, Pattanamtitta.

57. **MR. K. KRISHNAN NAYAR** (*Pattanamtitta*): Will the Government be pleased to state:

(*a*) whether they have received any complaints regarding certain irregularities in the working of the Taluk Co-operative Bank at Pattanamtitta; and

(*b*) if so, the action taken thereon?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) The Registrar reports that complaints have been received recently about the irregularities in the conduct of a general body meeting of the Pattanamtitta taluk Co-operative Bank, Ltd.

(*b*) The Assistant Registrar of Co-operative Societies has been asked to enquire into the complaints and conduct a super-audit of the accounts of the Bank.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*) With regard to the answer to part (*a*) of the question, may I know whether it is exactly an answer to my question? My question is whether any complaints regarding certain irregularities in the working of the Taluk Co-operative Bank at Pattanamtitta have been received.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The answer is that the Registrar reports that complaints have been received.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): It is stated there that complaints have been received about the irregularities in the conduct of a general body meeting. I wish to know whether any complaint has been received regarding the irregularities in the working of the Co-operative Bank?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The answer to part (*b*) would show that complaints have been received in regard to irregularities in the working of the Bank and the Assistant Registrar has been directed to investigate them and also to audit the accounts. That shows that complaints have been received and that action has been taken.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): I wish to know whether these complaints refer only to the irregularities in the conduct of a general body meeting or whether they refer to other irregularities in the working of the Bank as well?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The complaint that is now pending is in regard to irregularities in the working of the Bank also and that is why the Assistant Registrar has been directed by the Registrar to investigate into the matter and audit the accounts.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): May I know whether similar complaints were received by the Registrar last year in regard to the working of the Co-operative Bank?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): There were complaints in 1107.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): May I know the action taken?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): An enquiry into these irregularities was conducted by a Sub-Committee appointed by the Bank itself, and on the recommendation of that Sub-Committee, the loss was made good, and there the matter rested. Now that the complaint has come up again, the matter requires looking into more closely.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): I wish to know exactly what was the result of the enquiry last year?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Sir, as a matter of fact, the Bank itself appointed a Sub-Committee to look into the matter. They probed into the matter, and as a result, the loss was made good to the parties concerned, and temporarily there was some satisfaction. Again complaints have arisen, and the Registrar thought that the matter should not rest there, and he directed the Assistant Registrar to investigate into the matter and audit the accounts of the Bank.

ADJOURNMENT MOTION.

PRESIDENT: Mr. Damodaran Asan wishes to move for the adjournment of the business of the House to consider "the arrival at Trivandrum of a Jatha of more than 400 pedestrians from Nooranad and adjacent pakuthies in Mavelikara taluk on account of the grievances of the inhabitants of the locality at the proposal of the Government to locate the Leper Asylum at Nooranad."

This is not a matter of urgent public importance by any means and so I disallow it.

THE TRAVANCORE MUNICIPAL REGULATION AMENDMENT BILL.

PRESIDENT: The next business is the continuation of the consideration of the Municipal Regulation Amendment Bill. Mr. Nilakanta Pillai will now move his amendment to clause 203.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I move that in clause 203, sub-clause (1), the word "shall" may be substituted for the word "may". The clause is this:

"The Municipal President *may*, on application by the owner or occupier of any building, arrange, in accordance with the rules and bye-laws, to supply water thereto for domestic consumption and use."

The object of the amendment is to make the municipality under an obligation to supply water for domestic consumption, if there is a demand by the person who wants the supply of water. We have passed several Sections of the Bill here by which both the Government and the municipality have been given powers without any restriction to impose taxation upon all or any people living in any section of the

[Mr. K. P. Nilakanta Pillai.]

municipality for the introduction of water-supply. On the other hand, there is no obligation on the part of the municipality or the Municipal President to supply-water for domestic consumption if there is a demand for water-supply. The other day I was emphasising before the House that if the people of a particular locality are not deriving any benefit out of the water-supply, that locality should be exempted from taxation on account of this water-supply. Now, the municipality on the one hand or the Government on the other hand have been given powers to tax the people soon after the water-supply is introduced into the city. Under these circumstances, it is nothing but justice that the municipality must be under an obligation to supply water when we are prepared to pay for the water supplied. Similar provisions occur in the Madras District Municipalities Act in force in Madras. Section 129 of that Act says:

"The Municipal Council shall, so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants."

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What about the "funds" please, which finds a place in that Act?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I shall explain it to the member. Again, Section 145 of that Act says:

"The council shall, as far as the funds at its disposal may admit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order."

There are several other similar Sections also in that Act. All begin in this way that "*the Municipal Council shall*". With reference to the question which Mr. E. V. Krishna Pillai put as to the funds, the whole Section if read and understood will show that so many restrictions are imposed by the various provisions attached to that Section before the Municipal President may be forced to supply water.

First of all the Municipal Council's permission is necessary. Secondly the man who applies for the supply of water must undertake to meet all the expenses. There are many other conditions. Unless a particular house is within one hundred feet of the main, the municipality or the Municipal President is not enabled by this provision to look into that application. Therefore, by accepting this amendment we are not unnecessarily compelling the municipality or the Municipal President to supply water when there is a demand for water from the people of the house. On the other hand, there are several conditions which restrict the right of the citizen to demand the supply of water. Unless all those conditions are satisfied to the satisfaction of the Municipal President and with reference to the provisions of the Bill, the municipality or the Municipal President is not obliged to look into or consider the application at all. Therefore, when powers have been given to the municipality to impose a tax up to 15 per cent. and when the people are ready to pay that, when, as a matter of fact, the municipality and the Government introduce water-supply, even when we have given the powers to tax the people of a particular locality or a particular

house without taking into consideration whether that locality or that house, as a matter of fact, receives the supply of water, when all these wide powers are given to the municipality on the one hand or to the Government on the other, I, in all earnestness ask where is the unreasonableness in this amendment of mine and should there not be an obligation on the part of the municipality to supply water to an honest man who, as a matter of fact, requires water. It is for this purpose that this amendment is tabled. The request is only very reasonable and just. Yesterday it has been admitted here that the municipality is not doing its duty properly. We also say that it should not be left to the whims and fancies of the Municipal President to supply water or not to the people even if they are prepared to meet the cost. If there is a demand and if we satisfy all the restrictions, then I ask the question why should not the municipality be prepared to supply water, especially when we have been given the information that there is plenty of water. According to the scheme placed before the House there cannot be any scarcity of water supply for the whole of Trivandrum town. Therefore I ask the question why not the municipality be obliged to supply water if, as a matter of fact, there is honest demand for water.

MR. P. S. MAHOMED (*Nominated*): (*Not heard*).

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is with reference to that, that clause has been passed.

MR. P. S. MAHOMED (*Nominated*): (*Not heard*).

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, I raise a point of order whether private conversation, between members is allowed?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have already explained it to the member that unless the house is within one hundred feet of the main, the house owner cannot demand the supply of water. If any area is exempted the whole question goes. But the municipality has been empowered to tax any area whether that is supplied with water or not. Now the question is if there is a house owner within one hundred feet of the main and the house owner is prepared to meet the expenses and if there is a real need for water, should there not be an obligation on the part of the municipality to supply water to that man provided he satisfies all the conditions enumerated under this clause. I think I have made myself perfectly clear in regard to this matter.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*): Without a provision for vesting all the water-works in the municipality can the Municipal Council be placed under an obligation to supply water?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Anyhow, there is the general clause which I brought to the notice of the members of this House the other day, that is clause 191 (2) that at any time the Government may hand over the whole water-works to the municipality and withdraw from the whole scheme. There is that provision.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Suppose it is not done?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Anyhow, for discussing the matter further with reference to the particular Section under which this amendment is moved, absolutely no mention is made here whether the municipality should get the permission of the Government as it is in the case of the other Sections. Probably, the Government may or may not permit the municipality to extend the scheme outside the town limits. There also the argument was that Government permission ought to be obtained. This refers only to a minor fact. Suppose there are one hundred houses and only twenty are supplied with water and there are the other houses lying between. A man naturally feels the necessity for good water and he demands for the supply of water and he is prepared to pay for it. This is only a minor item. When the municipality is given the power to tax the people of the locality and do everything in their power to push through the water-supply scheme I only ask the question should there not be an obligation also thrown upon the municipality to supply water if the man who demands the water is prepared to meet the cost of it and is able to satisfy all the conditions enumerated in this Section.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): I second it. Sir, it is only in the fitness of things that the municipality, when once the function of water supply devolves on it, is made compulsorily to provide water to the people who ask for it, especially in view of the following proviso that the President shall not, without the sanction of the Municipal council, agree to supply water. There is sufficient restriction placed upon the Municipal President for the supply of water also.

Then again, this supply is always required in accordance with the provisions of the Regulation so that it is not always in the discretion of the Municipal President to supply this water. He is already fettered by the Municipal Council as well as by the provisions of the Regulation. So, I entirely agree with Mr. Nilakanta Pillai in saying that the Municipal President shall not on that account refuse to supply water to the applicants from within the municipal limits.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose the municipality has no funds?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): It is only when there is sufficient fund that water would be supplied.

MR E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Where is the provision for it?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): It is already in the Regulation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I do not know of any provision in the Regulation to say that it will be obligatory on the municipality only if there are funds.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Water-supply being primarily the function of the municipality, the municipality should

undertake to provide funds. And it is for the Government to help the municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it the member's view that when a man applies for water, the municipality should ask for a loan from Government and then comply with the request?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether the amendment does not relate to domestic consumption, the cost of which the man who demands will be prepared to meet?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Yes, it is so. It is only in accordance with the provisions of the Regulation and so there is no difficulty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid that I cannot accept this amendment. I admit that the Municipal President should be under obligation to supply water to the owner or occupier of any building to the extent that it is open to him to do under the rules and bye-laws. But I am not agreeable to the proposal that the Regulation itself should lay down an obligation upon the Municipal President to supply water irrespective of all conditions.

Mr. K. P. Nilakanta Pillai referred to a provision in the Madras District Municipalities Act as an argument for the proposition that the municipality should supply water. That provision does not refer to the supply of water to the owners or occupiers of buildings. That provision merely says—

> "The Municipal Council shall, so far as the funds at its disposal may admit provide a sufficient supply of water fit for the domestic use of the inhabitants."

That does not mean that the supply of water is to the owners or occupiers of buildings. It only says that the municipality should provide water within the city for domestic consumption. There is however, another Section, Section 131, which Mr. Nilakanta Pillai did not read. It says—

> "In Municipalities in which there is a pipe-supply of water the chairman may at his discretion on application by the owner or the occupier of any building arrange in accordance with the bye-laws to supply water thereto for domestic consumption and use."

That is the Section of the Madras Act that corresponds to Section 203 in the Bill and that, as the House must have understood says, "the Chairman may *at his discretion*". There it is expressly stated that he may arrange only *at his discretion*.

Now, Sir, that is stated for a very good reason, because it may not be possible to take the water to the door of every house and it may not therefore be possible to supply water to every owner or occupier. I have not however incorporated that expression here. Instead, I have introduced the words "in accordance with the rules and bye-laws"

[Mr. Kayalam Paramesvaran Pillai.]

Therefore, if the rules say who shall be supplied with water, then the Municipal President will have necessarily to supply, because he is bound to obey the rules. Then again there are the bye-laws which are made by the Council with the sanction of the Government of course. If the bye-laws say that he shall supply water under certain conditions, he is bound to obey the bye-laws and supply water. It is not because the Regulation places an obligation upon him but because he is bound to obey the bye-laws. Again, if the bye-laws intend that under certain circumstances the supply shall be arranged at his discretion there will be the discretion on the part of the Municipal President not because the Regulation gives him the discretion but because the bye-laws give him the discretion.

Sir, when I was considering this provision whether the Municipal President should be given discretion or not I thought it necessary that a provision should be made for the Government also to have a voice in the matter.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the Law Member whether even if the rules and the bye-laws passed under this Regulation place an obligation on the President to supply water, the Section does not take away that obligation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir; because the Municipal President is bound to obey the rules and bye-laws. That is obligatory on him. It would be seen that the rules are to be made by Government. If it happens that the municipality does not seem to be active but is negligent, then Government can step in and make rules for the supply of water. I have provided for that also. So, I have tried as much as I could for putting an obligation on the Municipal President, subject, of course, to the condition that he will act only under the rules and bye-laws. So, I have omitted the term "at his discretion" and have also added "in accordance with the rules and bye-laws". I think, Sir, there is ample protection for the citizens. The Municipal President is bound to comply with the rules and bye-laws and there is no need for any apprehension that the Municipal President will not act in accordance with them.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have nothing more to add.

PRESIDENT: Do you wish to press your amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No, Sir.

The amendment was, by leave, withdrawn.

The question that Section 203 stand part of the Bill was put and carried and the Section was added to the Bill.

SECTION 204.

The following amendment was not moved.

MR. K. P. NILAKANTA PILLAI: Clause (1)

Substitute the word "shall" for the word "may."

The question that Section 204 stand part of the Bill was put and carried and the Section was added to the Bill.

SECTIONS 205, 205 A AND 205 B.

PRESIDENT: There are no more amendments. I put it that Sections 205, 205A and 205B stand part of the Bill.

The question was put and carried and Sections 205, 205A and 205B were added to the Bill.

Preamble.

PRESIDENT: I now put it that the preamble do stand part of the Bill.

The question was put and carried and the preamble was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bill, as now settled by the Council, be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT: I take it that the House accepts the motion.

The motion was carried.

THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL—(*contd.*)

Clause XX.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the House has passed XIX clauses and we were at clause XX when the House rose last day. My amendment with regard to clause XX is that the two other clauses may be substituted, namely clauses XX and XX A. The substituted clause XX proposes to incorporate certain Sections in the Regulation for the purpose of enabling the Government to collect the jenmikaram for payment over to the jenmies. The House will remember that the obligation on the part of the Government to take over the collection of jenmikaram and pay to the jenmies was undertaken as a result of the agreement between jenmies and non-jenmies and as a result of their joint recommendation that the Government should undertake this collection. Government, therefore, have undertaken the obligation and I have accordingly drafted the necessary Sections for that purpose and I propose to introduce it by the proposed clause XX. Sir, by the Sections 40 A to 40 L I propose to introduce the requisite procedure for the purpose of settling jenmikarams before their collection is taken over by Government, because, before the jenmikaram is settled, Government cannot take over the collection of jenmikaram.

I shall now briefly explain the scheme of these Sections. Section 40 A is merely a statement of the principle. Sections 40 B to 40 D provide for the settlement of jenmikarams and the preparation of a Jenmikaram Register.

[Mr. Kayalam Paramesvaran Pillai.]

When the Register of Jenmikaram is finished, Section 40E provides a notification shall be published in the Gazette that jenmikaram settlement is over and that the collection of jenmikaram has been taken over by Government.

Section 40 F lays down that upon the publication of the notification, the jenmikaram shall be paid to Government and in default of such payment it would be recovered under the Revenue Recovery Regulation. There are also subsidiary provisions stating that jenmikaram shall be paid in money only and that jenmikaram should be paid to the jenmi after deducting the cost of collection.

Certain provisions are also made for the entry of particulars about alteration of jenmikaram, such as that subsequent changes in ownership etc. should be recorded. These provisions were drafted in their final form as a result of the understanding arrived at in an informal conference between the jenmies and the non-jenmies during the last session of the Council. These Sections have therefore got the full approval of the informal conference.

I understand now that the jenmies have given notice of certain amendments, the purpose of which is that the Government should take over the collection of jenmikaram only in respect of all lands in the State together and at the same time. They will no doubt move them one by one. Before that, I may mention one fact. Some apprehension has been felt by jenmies that all those provisions regulating the collection of jenmikaram by Government may not entirely be acted on by Government. They are under the impression that no obligation is laid on Government to take over collection, that there is no Section which would compel Government to take over the collection of jenmikaram. I honestly think that there is no reason for such apprehension. If such an apprehension is felt by the jenmi members and if it is necessary that some suitable amendments should be provided, I am prepared to accept them and add them to the Explanation to Section 40 A, say, something to the following effect:

"but the assumption shall be made in respect of all jenmom lands in the State."

However, that need be considered only after hearing the views of the jenmi members on my amendments. My amendments after Section 40 run from Sections 40 A to 40 L which form part of Clause XX.

I now make the formal motion.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിക്കരം ഒന്നായി ഗവണ്മെൻറടുക്കണമെന്നാണു അഭിപ്രായമെങ്കിൽ മി: ഭട്ടതിരിയ്ക്കു് ഇപ്പോൾ മൂവുചെയ്യാനുള്ള അമെൻറുമെൻറുകൊണ്ടു ഗുണമുണ്ടാകുകയില്ല. അതുകൊണ്ടു മി. ഇട്ടപ്പൻനമ്പൂതിരിപ്പാടിന്റെ അമെൻറുമെൻറാണു മൂവു ചെയ്യേണ്ടതു്.

MR. C. P. BHATTATHIRI (*Co-opted*): "with respect to the whole State" എന്നുള്ള ഭേദഗതി അവതരിപ്പിക്കണമെന്നു ഞാൻ വിചാരിക്കുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു കൊണ്ടു ഉദ്ദേശിക്കുന്നകാര്യം സാധിക്കുന്നതല്ല.

സെക്‌ഷൻ ൪൦ എ-യെപ്പററിയാണ് ജന്മിമെമ്പറന്മാർ കൊണ്ടുവന്നിട്ടുള്ള അമൻറുമെൻറ് എന്നാൽ സംസ്ഥാനംമുഴുക്ക് ഒന്നിച്ചെടുക്കണമെന്നു നിർദ്ദേശിക്കുന്ന അമൻറുമെൻറാണ് ജന്മിമെമ്പറന്മാർ പാസാക്കണമെന്നുദ്ദേശിക്കുന്നതെങ്കിൽ മി. സി. പി. ഭട്ടതിരിയുടെ അമൻറുമെൻറുകൊണ്ടു സാധിക്കുകയില്ല. മി. തുപ്പൻനമ്പൂതിരിയുടെ ഭേദഗതി വേണം അവതരിപ്പിക്കാൻ.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ക്ലാസ് ൪൦-എ വകുപ്പിനുള്ള ഭേദഗതി ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു. ഛാമെമ്പറുടെ ഭേദഗതിയിൽ ഇപ്രകാരമാണു കാണുന്നതു്. അതായതു മുൻവകുപ്പിലെ ആവശ്യങ്ങളെ നിർവഹിക്കുന്ന തിനു ഗവർമ്മെൻറു ജന്മിക്കരം നിശ്ചയിച്ചതിനുശേഷം, കഴിയുന്നത്രവേഗത്തിൽ ഓരോജന്മഭൂമിയെ സംബന്ധിച്ചും ഒന്നിച്ചോ ഏതെങ്കിലുംപ്രദേശത്തോ, അല്ലെങ്കിൽ നമ്മുടെഗവർമ്മെൻറു നിശ്ചയിക്കുന്നതായ സ്ഥലങ്ങളിലൊ ഗവർമ്മെൻറു പിരിവുഭാരം ഏറെറടുക്കാമെന്നാണ്. ഒരു താലൂക്കിലോ അല്ലെങ്കിൽ ഒരു പകുതിയിലോ അല്ലെങ്കിൽ ആ പകുതിയിലെ ഏതെങ്കിലും ഒരു ഭാഗത്തോ ഒരു സെററിൽമെൻറു നടന്നുകഴിഞ്ഞാൽ നടന്നുകഴിഞ്ഞിടത്തോളം ഭാഗത്തെപിരിവു ഗവർമ്മെൻറിന് ഏറെറടുക്കാം. ഇതു ഗവർമ്മെൻറിൻെറ സൗകര്യമായ നിലയിലുള്ള ഒരു പിരിവുഭാരം ഏൽക്കലാണെന്നാണ് ഈ ഭേദഗതിയിൽ കാണുന്നതു്. ഈ ഭേദഗതി തരക്കേടില്ല; അതു ജന്മി ഭാഗത്തേക്കു വലിയ ദൂഷ്യമുണ്ടെന്നു ഞാൻവിചാരിക്കുന്നില്ല. എന്നാൽജന്മിമാക്ക് അതിനെപ്പററിയുള്ള ഭയം ഇതാണ്. ഒരു താലൂക്കിൽ ഒരു സെററിൽമെൻറു നടന്നു. അവിടത്തെ പിരിവുംതുടങ്ങി. അതുകഴിഞ്ഞാൽ പിന്നീട് ഒരു ആറുകൊല്ലത്തേക്ക് അല്ലെങ്കിൽ ഒരു രണ്ടുകൊല്ലത്തേക്ക് ഒന്നും ചെയ്യാതെ അവിടെത്തന്നെ ഇട്ടിരുന്നുഎന്നുവരാം. അങ്ങനെവരുമോ എന്നു കഴിഞ്ഞ സെററിൽമെൻറു തന്നെ തെളിയിക്കുന്നുണ്ടു്. ൫൦ കൊല്ലത്തോളം കണ്ടെഴുത്തു ഡിപ്പാർട്ടുമെൻറു നടന്നുകൊണ്ടിരുന്നതായി നമുക്കനുഭവമുണ്ടു്. അതുപോലെ ജന്മിമാരുടെ ഭൂമികളിലും സെററിൽമെൻറു നടത്തുകയാണെങ്കിൽ ജന്മിമാർ ബുദ്ധിമുട്ടിപ്പോകും. അതു കൊണ്ടാണു സെററിൽമെൻറു നടത്തിക്കഴിഞ്ഞിട്ടു രാജ്യമൊട്ടാകെയുള്ള ജന്മിക്കരം

[Mr. C. N. Tuppan Namputiripad.]

ഒന്നിച്ച് ഗവണ്മെൻറ് എടുത്താൽ മതിയെന്നു പറയുന്നത്. രാജ്യമൊട്ടുക്കെ സെററിൽമെൻറ നടത്തിക്കഴിഞ്ഞതിനു ശേഷം മാത്രമെ ഗവണ്മെൻറു പിരിവ് ഏറെറടുക്കുകയുള്ളു എന്നുവരുന്നപക്ഷം, ഈ ന്യൂനത ശരിയാകുമോ എന്ന് ചോദിച്ചേക്കാം. സാധാരണ ഒരു താലൂക്കിലോ അല്ലെങ്കിൽ രണ്ടോ മൂന്നോ താലൂക്കിലോ മാത്രം സെററിൽമെൻറ നടത്തിക്കഴിഞ്ഞു എന്നുവച്ച് അപ്പോൾ ആർക്കും സമാധാനമായിരിക്കുവാൻ നിവൃത്തിയില്ല. രാജ്യമൊട്ടാകെ സെററിൽമെൻറ നടത്തിയതിനു ശേഷമേ ഈ രാജ്യത്തുള്ള ജന്മിമാർക്കും കുടിയാനവന്മാർക്കും ഈ വകുപ്പുകൊണ്ടുള്ള സുഖമോ ദുഃഖമോ അനുഭവിക്കുവാനിടവരികയുള്ളു.

MR. E. V. KRISHNA PILLAI (*Kottrakara* cum *Kunnattur*): അപ്പോൾ ഒരു ജന്മി വിചാരിച്ചാൽ ഈ രാജ്യമൊട്ടുക്ക് ഈ റഗുലേഷൻറ ഗുണമില്ലാതാക്കുവാൻ കഴിയുമല്ലോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇല്ലല്ലോ

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): അദ്ദേഹത്തിൻെറ ആധാരങ്ങളും കരംലിസ്റ്റ് തയ്യാറാക്കുവാനുള്ള റിക്കാർഡുകളും ഹാജരാക്കുന്നതിനു കുറച്ച് അമാന്തം വരുത്തിയാൽപോരെയോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഒരവധിനിശ്ചയിച്ച് അതിനകത്തു റിക്കാർഡുകൾ ഹാജരാക്കണമെന്നുവെച്ചാൽ നിശ്ചയമായും ആ അവധിക്കകം റിക്കാർഡുകൾ ഹാജരാക്കുമെന്നു തന്നെയാണു വിശ്വസിക്കേണ്ടത്. ഞാൻ ഈ ഭേദഗതിയിൽ പ്രാധാന്യം കൊടുക്കുന്നത് ഈ സെററിൽമെൻറു നടത്തുന്നതിനു കാലതാമസമൊന്നും നേരിടരുതെന്നുള്ള വിചാരംകൊണ്ടാണ്. സെററിൽമെൻറു കുറെക്കഴിഞ്ഞ് ഇനികുറെ പത്തുകൊല്ലം എടുത്തുകൊള്ളാമെന്നു ഗവണ്മെൻറു, മററു ചില സന്ദർഭങ്ങളിൽ കാണിക്കുന്ന ഉപേക്ഷബുദ്ധിപോലെ, ഈ കാര്യത്തിൽ കാണിക്കാതിരിക്കണമെങ്കിൽ സെററിൽമെൻറുമുഴുവൻ കഴിഞ്ഞിട്ടേ പിരിവുഭാരം ഏറെറടുക്കാവു എന്ന വ്യവസ്ഥതന്നെ വേണം

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): എത്രനാളുകൊണ്ടു സെററിൽമെൻറു തീരും?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കൂടുതലായാൽ ഒരു കൊല്ലം കൊണ്ടുതീരണം. എന്നാൽ ഏതെങ്കിലും തരത്തിൽ ഇത്രമാസം കൊണ്ടോ അല്ലെങ്കിൽ ഇത്രകൊല്ലത്തിനകമോ ഗവണ്മെൻറ് ഈ ജോലിചെയ്തു തീർക്കുന്നതാണെന്നൊരു പ്രഖ്യാപനം ചെയ്യുകയാണെങ്കിൽ ഈ ഒരു ഭേദഗതിയുടെ ആവശ്യമില്ല. ചിലസെലക്ററു കമ്മിററിക്കും

മററും ഗവമ്മെൻറ് ആറുമാസത്തിനുള്ളിൽ റിപ്പോൎട്ടയക്കണമെന്ന് ഒരവധിവയ്ക്കാറുണ്ട്. അതിനകത്ത് അതു തീൎന്നില്ലെങ്കിൽ മൂന്നു മാസം കൂടി കൂടുതൽ വേണമെന്നാവശ്യപ്പെട്ടാൽ അന്നു ഗവണ്മെൻറിനു ചെറിയ ഒരവധികൂടി നീട്ടിക്കൊടുക്കുന്നപതിവുണ്ട്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഇതു് അവസാനമായ ഒരു തീരുമാനമായതുകൊണ്ടു സെററിൽമെൻറുജോലിവളരെ ധൃതിയായിട്ടു ചെയ്യുകയാണെങ്കിൽ കുഴപ്പം വരുകയില്ലേ? ജന്മികളുടേയും കുടിയാനവന്മാരുടേയും സങ്കടങ്ങൾ മുഴുവൻകേട്ടു തീരുമാനിക്കേണ്ടതല്ലേ ഇതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ധൃതിയിൽ നടത്തണമെന്നുപറഞ്ഞതുകൊണ്ട് അതിനെ സംബന്ധിച്ചുള്ള വാദങ്ങൾ കേൾക്കാതെ നടത്തണമെന്നു അൎത്ഥമില്ല. ഇതിലേക്കുനിയമിക്കപ്പെടുന്നയാൾ ജോലിശരിയായി തുടൎന്നു നിൎവ്വഹിച്ചു കൊണ്ടിരിക്കണമെന്നേ അൎത്ഥമുള്ളു. അങ്ങനെ ചെയ്താൽ തീൎച്ചയായും ഒരാറുമാസത്തെ ജോലിയേവരുകയുള്ളു. കൂടിപ്പോയാൽ ഒരുകൊല്ലത്തിലധികം ഇതിനുവേണ്ട.

MR. A. NARAYANA PILLAI (*Vaikam*): സെററിൽമെൻറു തീൎന്നില്ലെങ്കിലും താലൂക്കു മുഖാന്തിരം ജന്മിമാരുടെ പണം പിരിച്ചുകൊടുത്തുകൂടേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കിട്ടുകയില്ല. ആ വകുപ്പ് നമ്മളിപ്പോൾ ഉദ്ദേശിക്കുന്ന ഗുണത്തെച്ചെയ്യുന്ന ഒരു വകുപ്പല്ല. ഒരാൾ താലൂക്കിൽ അപേക്ഷകൊടുക്കാൻ ചെന്നാൽ ഉടനെ തഹശീൽദാരെകാണണം, ക്ളാക്കിനെ കാണണം, ശിപായിയെകാണണം, ഇങ്ങനെ പലബുദ്ധിമുട്ടുകളുംഉണ്ട്.

MR. A. NARAYANA PILLAI (*Vaikam*): ഒരപേക്ഷ കൊടുത്താൽ പോരേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അപേക്ഷയും കൊടുക്കണം; കുറെ പണവുംകൊടുക്കണം. അപേക്ഷകൊടുത്തശേഷം പ്രവൃത്തിക്കച്ചേരിയിൽ മുട്ടുകുത്തിനില്ക്കണം. ഇപ്പോൾ നിങ്ങളുടെകേസിനല്ല സമയമെന്നുപറയും. അതൊക്കെക്കേൾക്കണം.

MR. A. NARAYANA PILLAI (*Vaikam*): അപ്പോൾ ആ വ്യവസ്ഥകൊണ്ടു ജന്മിക്കോ കുടിയാനോ ഒരു ഗുണവുമില്ലെന്നാണോ പറയുന്നതു?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): നിശ്ചയമായുമില്ല. റവന്യൂകോടതിയെക്കാൾ നല്ലതു് സിവിൽ കോടതിയിൽ പോകുന്നതാണ്. ഏതെങ്കിലും ഒരു തീൎച്ച ന്യായമായി കിട്ടും.

MR. A. NARAYANA PILLAI (*Vaikam*): വേണ്ടിവന്നാൽ സിവിൽ കോർട്ടിൽപോകാനും വ്യവസ്ഥയില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): എന്നാൽ ആ വകുപ്പു വച്ചാൽ മതിയല്ലോ. പിന്നെ ഗവമ്മെൻറു കരംഎറെറടുക്കണമെന്നുപറയേണ്ട ആവശ്യമില്ലല്ലോ. റവന്യൂക്കോടതികളിലെ സൗകര്യങ്ങൾ ഒരിക്കലും ആവശ്യത്തിനു പററിയതല്ല. ഞങ്ങൾ ഇതാശിക്കുന്നുംഇല്ല. ഇത്രമാസത്തിനകം അല്ലെങ്കിൽ ഇന്നകാലാവധിക്കള്ളിൽ സെററിൽമെൻറു തീക്കുന്നതാണെന്നു പറഞ്ഞാൽ കുടിയാൻഭാഗത്തേയ്ക്കു് എന്താണു നഷ്ടം? ഗവമ്മെൻറിലേയ്ക്കു് എന്താണു നഷ്ടം? ഒന്നു ജാഗ്രതമാത്രം ചെയ്താൽമതി.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഗവമ്മെൻറിനു മെമ്പർ പറയുന്ന സമയത്തിനുള്ളിൽ വിചാരിക്കുന്നതു പോലെ ജോലിചെയ്തു തീക്കുവാൻകഴിയുമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): നിശ്ചയമായും കൂടുതൽ ആവശ്യമില്ല എന്നു ഞാൻ വിചാരിക്കുന്നു. നിങ്ങൾ വിചാരിക്കുന്നതു് ഇതു നടത്തുന്നതിനു പത്തുകൊല്ലം ദീർഘിച്ചുപോകുമെന്നാണു്. ഈ കാര്യത്തിൽ ജോലിശരിയായിചെയ്യുന്ന ഒരു സ്പെഷ്യലാഫീസറെ നിയമിച്ചാൽ ഒരു അഞ്ചോ ആറോ മാസംകൊണ്ടു ജോലിതീരുവാനുള്ളതേയുള്ളു.

MR. M. N. NARAYANA MENON (*Kottayam*): ഒരു ഉദ്യോഗസ്ഥനെ നിയമിച്ചാൽ മെമ്പർക്കുതൃപ്തിയാകുമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഉദ്യോഗസ്ഥനെ നിയമിച്ചതുകൊണ്ടു തൃപ്തിയാകുകയില്ല. ജോലികൂടിചെയ്തുതീക്കണം. ഒരു ഉദ്യോഗസ്ഥനെനിയമിച്ചാൽ അയാൾക്കുകുറെ ശമ്പളം കിട്ടാനുള്ള ഒരു ജോലിയായി എന്നല്ലാതെ ഞങ്ങൾക്കു പുണ്യമില്ല. ഏതായാലും നിശ്ചയമായും ഒരു കൊല്ലത്തിൽ കൂടുതൽ ജോലിയൊന്നും വേണ്ട ഇതിനു്. അഥവാ കുറച്ചുകൂടിവേണമെന്നു വന്നാൽ കൂട്ടികൊടുക്കാമല്ലോ. അങ്ങനെ ഏതെങ്കിലും ഒരു കാലം നിശ്ചയിച്ചു് ഇവിടെ പ്രസ്ഥാപിക്കുകയാണെങ്കിൽ നിശ്ചയമായും ഈ ഭേദഗതിയുടെ ആവശ്യംഇല്ല. ഈ ഭേദഗതി ജന്മിമാക്കു നിശ്ചയമായും ദോഷത്തെകൂടി ചെയ്യുന്നുവെന്നു ചില മെമ്പറന്മാക്കു അഭിപ്രായമുള്ളതായിട്ടെനിക്കറിയാം. എന്നാൽ ഞങ്ങൾ അതിനോടുയോജിക്കുന്നില്ല. സെററിൽമെൻറു ജോലി എത്രയും എളുപ്പം തീരണമെന്നുവിചാരിച്ചുമാത്രമാണു ഞാൻ ഈ ഭേദഗതി ഇവി

ടെ കൊണ്ടുവന്നതു്. അതുകൊണ്ടു ഗവൺമെൻറതെങ്കിലും ഒരു കാലാവധിക്കുള്ളിൽ സെററിൽമെൻററടുത്തു കൊള്ളാമെന്നുള്ള ഒരു പ്രഖ്യാപനം ചെയ്യണമെന്നുമാത്രമേ ഞാനഭിപ്രായപ്പെടുന്നുള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ആ പ്രഖ്യാപനം എന്നു ചെയ്യണമെന്ന് ഈ ഭേദഗതിയിൽ പറയുന്നുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): എൻെറ ഭേദഗതിയിൽ പ്രഖ്യാപനംചെയ്യണമെന്നില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikpalli*): അതു ഗവൺമെൻറു ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തണമെന്നുണ്ടോ? എന്നു പ്രസിദ്ധപ്പെടുത്തിയാലുംമതിയോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഈ നിയമം പാസാകുന്ന അവസരത്തിൽ ഇന്ന തീയതി മുതൽ എടുത്തു തീർത്തുകൊള്ളാമെന്നു പ്രഖ്യാപനംചെയ്യണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum kartikapalli*): എന്നു ഭേദഗതിയിൽ ഉണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഭേദഗതിയിൽ ഈ രാജ്യമൊട്ടാകെയുള്ള പിരിവുഭാരം ഒന്നിച്ചേറെറടുക്കണമെന്നേയുള്ളു. അതുകൊണ്ടു് ഈ ആശയം വന്നിട്ടില്ലെങ്കിൽ ഈ ഉദ്ദേശം സാധിക്കത്തക്കവിധത്തിൽ ഒരു ഭേദഗതിവരുത്തണമെന്നാണ ഞാനാവശ്യപ്പെടുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ ഭേദഗതി ഒന്നുവായിക്കണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഭേദഗതി എനിക്കു വായിക്കുവാൻ നിവൃത്തിയില്ല. അതിൻെറ മലയാളതർജ്ജിമ ഇതുവരെ കിട്ടിയിട്ടില്ല. ഞാൻ ഭേദഗതി അയച്ചതു മലയാളത്തിലാണെങ്കിലും അതു ഇംഗ്ലീഷിൽ തർജ്ജിമചെയ്ത ഒരു കാപ്പിയാണു് എനിക്കു തന്നിട്ടുള്ളതു്.

MR. C. P. BHATTATHIRI (*Co-opted*): I move the following amendment on behalf of Mr. Tuppan Namputiripad:—

In Section 40A, Explanation, line 1, for the words "the assumption of the collection," substitute the words "Our Government shall assume the collection in respect of all the jenmom lands in the State at the same time although the proceedings towards such assumption".

[Mr C. P. Bhattathi-ri]

ഈ ഭേദഗതിയെ ഞാൻ പിൻതാങ്ങുന്നു. രാജ്യമൊട്ടാകെ പിരിവു നടത്തുമ്പോൾ മാത്രമേ പിരിവുദ്വാരം ഗവണ്മെന്റു ഏറെറടുക്കാവൂ എന്നർത്ഥം വരുന്നുണ്ട് ഈ ഭേദഗതിക്കെന്നു പറയുന്നു. ഈ പിരിവിനെ സംബന്ധിച്ചു ഞങ്ങൾ ഇത്ര ഭയന്നിരിക്കുന്നതിനുള്ള കാരണം പിന്നീടു എത്ര കാലത്തേക്കാണ് അടങ്ങിയിരിക്കേണ്ടതെന്നു നിശ്ചയമായി വ്യവസ്ഥചെയ്യാതെയിരിക്കുന്നിടത്തോളം കാലം കൊടുക്കേണ്ടു ആളുകൾക്കു കൊടുക്കാതിരിക്കാൻ കഴിയുമോ എന്നുള്ള സംശയം കൊണ്ടു മാത്രമാണ്. ജന്മികൾക്കുള്ള സംഖ്യ കൊടുക്കുന്ന ആളുകൾക്കു അങ്ങനെ കൊടുക്കണമെന്നു നിർബന്ധിക്കുന്ന വകുപ്പാണ് ഇവിടെ പ്രധാനമായി കൊണ്ടുവരേണ്ടിയിരുന്നതു്. എന്നാൽ ആ ഒരു നിർബന്ധമല്ല ഇവിടെ കാണിച്ചിരിക്കുന്നതു്. ആ സംഖ്യ വാങ്ങുന്നതിനുള്ള മാർഗ്ഗം കാണിച്ചിരിക്കുന്നതു താലൂക്കിൽനിന്നും വാങ്ങിക്കൊള്ളണമെന്നുള്ളതാണ്. അതിനുള്ള വിഷമം എത്രമാത്രമുണ്ടെന്നു നിയമകർത്താക്കന്മാർക്കറിഞ്ഞുകൂടാ. അതുപോലെ എന്തെങ്കിലും നടപടി നടത്തി വാങ്ങുന്നതോ എന്നു ചോദിക്കുകയാണെങ്കിൽ അതിനുള്ള വിഷമവും ചില്ലറയൊന്നുമല്ല. ഉദാഹരണമായി സിവിൽകോടതിയിൽ തന്നെ വിധി സമ്പാദിച്ചുകഴിഞ്ഞാൽ ആ വിധിസംഖ്യ ഈടാക്കുന്നതിനാണു വളരെ പ്രയാസമായിരിക്കുന്നതു്. നോട്ടീസയക്കണം, പരസ്യമയക്കണം, ലേലത്തിൽവയ്ക്കണം, ഇങ്ങനെ പലവിഷമങ്ങളുമുണ്ടു്. ഈ വൈഷമ്യങ്ങൾകൊണ്ടു് കുടിശിഖയുള്ള എത്രയെത്ര ഭൂമികൾ കുടിയാനവന്മാർക്കു പോയിരിക്കുന്നു. താലൂക്കുകച്ചേരിയിൽ ചെന്നപേക്ഷിച്ചാൽ നിശ്ചയമായും പറയുകയില്ല. തൽക്കാലംസമയമില്ല എന്നു ഗവണ്മെന്റുദ്യോഗസ്ഥന്മാർ പറയും. ഗവണ്മെന്റാവശ്യത്തിനും മേലാവിൽനിന്നും എഴുത്തുവന്നാൽപോലും സമയമില്ലെന്നു പറയുന്നതാലൂക്കു അധികാരികൾ പാവപ്പെട്ട ജന്മിമാരുടെ കാര്യത്തിൽ ഇതുപറയുമോ എന്നു സംശയിക്കേണ്ടതേയില്ല. ഇങ്ങനെയായാൽ ജന്മിമാരുടെ അപേക്ഷകൾ താലൂക്കിലെ തഹശീൽദാരന്മാരെടുക്കുന്നില്ല എന്നുള്ള പരാതി ഗവമ്മെന്റിനു കിട്ടിക്കൊണ്ടേയിരിക്കും. ചുരുക്കത്തിൽ ഈ രാജ്യം ഒട്ടാകെയുള്ള തഹശീൽദാരന്മാരുടെ പേരിൽ പരാതികൊടുക്കുവാനെ സമയംകാണുകയുള്ളൂ. കുടിയാന്മാർക്കു താലൂക്കിൽ നിന്നും നോട്ടീസു കൊടുത്താൽ തന്നെ കുടിയാനെ കണ്ടില്ല എന്നോ അല്ലെങ്കിൽ കൈപ്പററിയില്ല എന്നോ എന്തെങ്കിലും പറഞ്ഞു അതു നീട്ടിനീട്ടിക്കൊണ്ടു പോകാനും കഴിയും. ജന്മികളുടെ പണം കിട്ടുന്നതു വരെ ജന്മികൾ പട്ടിണി കിടക്കണമൊ എന്നാണു ഞാൻ ചോദിക്കുന്നതു്. ജന്മികളോടു കുടിയാ

ന്മാർ അവരുടെ ഹൃദയം ഒന്നുതുറന്നു പെരുമാറണമെന്നാണ് ഞാനപേക്ഷിക്കുന്നത്. ഏട്ടിലെപശുപുല്ലുതിന്നുകില്ല. ജന്മിമാർ പ്രായേണ സാധുക്കളും നിയമസംബന്ധമായ പരിജ്ഞാനമൊന്നുമില്ലാത്തവരും ആകുന്നു. കുടിയാൻ ഭാഗത്തുള്ള പണ്ഡിതന്മാരും സമർത്ഥന്മാരും ആയ ആളുകൾ എന്തെങ്കിലും ചെയ്യുന്ന കാര്യത്തിൽ വള്ളി പുള്ളി വിസർഗ്ഗങ്ങൾ കൂടിവ്യാഖ്യാനിച്ചെടുക്കുന്നവരാണ്. പിരിവുവിഷയത്തിൽ വലിയ ഒരു ചങ്ങല കൊണ്ടുവന്നു പൂട്ടി ആ വകുപ്പിനെ ഇട്ടിരിക്കുകയാണ്. ഇതുവരെ പാസായ നിശ്ചയങ്ങൾ നിങ്ങൾഎല്ലാം പറയുന്നതുഞങ്ങൾ കേട്ടുസമ്മതിക്കുന്നവെന്നല്ലാതെ അതിൻെറ ശുദ്ധാത്ഥമൊന്നും ഞങ്ങൾക്കു മനസ്സിലാകുന്നില്ല. ഇതിനു മുമ്പുവാദിച്ചതെല്ലാം ഞങ്ങൾ ഗ്രഹിച്ചതും മനസ്സിലാക്കിയതും ആരൂപത്തിലാണ്. ജന്മിമാരും കുടിയാന്മാരും സഹോദരന്മാർ തന്നെ. എന്നാൽ അവർ തമ്മിൽ ഒരു വ്യവസ്ഥവേണമെന്നു വിചാരിച്ചു ഗവണ്മെൻറിനു മാദ്ധ്യസ്ഥം ഏല്പിച്ചിരിക്കുന്നു എന്നേയുള്ളു. ആ മദ്ധ്യസ്ഥതയിൽ ഗവണ്മെൻറു അതിൽ ഏതെങ്കിലും ഒരു പ്രത്യേക ആളുകൾക്കു മാത്രം കരുതൽ ചെയ്തുകൊണ്ടുവരുന്നതു് വളരെ കഠിനമായ ഒരുകാര്യമാണ്. അതുകൊണ്ട് കുടിയാനവന്മാർ ഇതൊന്നാലോചിക്കണം.

ജന്മിമാർ അവിടെപോകണം, അങ്ങനെ അപേക്ഷ കൊടുക്കണമെന്നുള്ളവക്രഗതിയിൽ കാര്യങ്ങൾ കൊണ്ടുവരുന്നപക്ഷം നല്ലശക്തിയും സ്വാധീനവുമുള്ള കുടിയാന്മാൎക്ക് എത്ര സമയം വേണമെങ്കിലും ജന്മിമാൎക്കു പണം കൊടുക്കാതെ കഴിച്ചുകൂട്ടാം. ഒരുപക്ഷെ, ഗവണ്മെൻറിലേക്കു പണം കിട്ടുമെന്നുറപ്പുള്ളതുകൊണ്ട്, അനേകായിരം ജന്മികൾ പട്ടിണി കിടക്കേണ്ടതായ ഇത്തരം സന്ദർഭം വരുമ്പോൾ വേണ്ടിവന്നാൽ കുറെപണം ജന്മിമാൎക്കു അഡ്വാൻസുചെയ്യുവാൻ കൂടി ഗവണ്മെൻറു തയാറാകേണ്ട ആവശ്യമുണ്ട്. ഞങ്ങൾക്കു പരശുരാമദത്തമായിട്ടോ അല്ലെങ്കിൽ മറെറതെങ്കിലുംപ്രകാരത്തിലോ സർവസ്വാതന്ത്ര്യത്തോടുകൂടി ഉപയോഗിച്ചു കൊള്ളുവാനായി കിട്ടിയിട്ടുള്ള വസ്തുക്കളാണ് ജന്മവസ്തുക്കൾ. ൧൦൦ ൦-ാമാണ്ടിനു മുമ്പ് ഞങ്ങൾക്ക് കേരളത്തിലെ മുഴുവൻ വസ്തുക്കൾക്കും സർവ്വാധികാരമുണ്ടായിരുന്നു എന്നാൽ അപ്പോഴപ്പോഴായി ആ വസ്തുവിന്മേലുള്ള ഞങ്ങളുടെ അധികാരങ്ങളെല്ലാം കുറിച്ചു, കുറിച്ചു ഇപ്പോൾ മുഴുവനും എടുത്തിരിക്കുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ഇതെല്ലാം ഭേദഗതിയെ സംബന്ധിച്ചതല്ല. ഭേദഗതിയോടു സംബന്ധപ്പെട്ട സംഗതികളെ ഇവിടെ പറയാവൂ.

MR. C. P. BHATTATHIRI (*Co-opted*): ഭേദഗതിയോടു സംബന്ധമുള്ളതല്ല ഇതെങ്കിലും ഞങ്ങളുടെ സങ്കടം കൊണ്ടു പറയുന്നതാണ്. ഒരുവേള പണ്ഡിതനായ ലാമെമ്പർക്ക് എന്റെ പ്രസംഗം കുറച്ചു അതിരു കടന്നതാണെന്നു തോന്നുന്നുണ്ടെങ്കിൽ ഞാൻ കൂടുതലൊന്നും പറയുന്നില്ല. ഞങ്ങളുടെ സങ്കടങ്ങൾ പറയുന്നതു എവിടെ വച്ചാണ്? അതിനൊരവസരം വേണ്ടയോ? ഇവിടെ നിന്നും മടങ്ങി എന്റെ ഇല്ലത്തു ചെന്നു പറഞ്ഞാൽ ആരു കേൾക്കും? ഇതു നിയമരൂപത്തിലാക്കുന്ന മററു പണ്ഡിതന്മാരേയും അറിയിക്കുവാനുള്ള സങ്കടമാണിതു്. രാജ്യമൊട്ടാകെയുള്ള പിരിവേററു നടത്തുന്നതിനു വ്യക്തിപരമായി ഞാൻ അനുകൂലിയല്ലെങ്കിലും ഞങ്ങൾ തമ്മിൽ തന്നെ അഭിപ്രായ വ്യത്യാസം വന്നു കൂടാ എന്നു വിചാരിച്ചു ഞാൻ അവരെ അനുകൂലിക്കയാണ്. എന്റെ സ്നേഹിതന്മാർ "ഞാൻ പിടിച്ച മുയലിനു മൂന്നുകൊമ്പുണ്ടു്" എന്നതരത്തിൽ നില്ക്കയാണ്. ഇതു വ്യക്തിപരമായ ഒരുകാര്യമല്ലാത്തതിനാൽ എനിക്കവരെ അനുകൂലിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഏതെങ്കിലും ഒരു നിർബന്ധബുദ്ധി ഉണ്ടായിട്ടു മാത്രമാണു ഇങ്ങനെ പറയുന്നതെന്നു മെമ്പർക്കഭിപ്രായമുണ്ടോ?

MR. C. P. BHATTATHIRI (*Co-opted*): അശേഷമില്ല. മി. തുപ്പൻനമ്പൂതിരിപ്പാടിന്റെ ഭയത്തിന്റെ കൂടുതൽ കൊണ്ടാണു ഇതു പറയുന്നതെന്നു എനിക്കു നല്ലവണ്ണം അറിയാം. രാജ്യമൊട്ടാകെയുള്ള പിരിവു ഒന്നിച്ചു ഏററുനടത്തുന്നതിനു എന്റെ അഭിപ്രായനില ഭേദിച്ചുകൊണ്ടല്ല ഞാൻ ഈ പറയുന്നതു്. ഞാൻ ഒരു ഏതുകക്ഷി എന്ന നിലയിൽ ഇവിടെ വന്നിട്ടില്ല. സെററിൽമെൻറു കാര്യത്തെപ്പററി ലാമെമ്പർ പരസ്യമായ ഒരു പ്രഖ്യാപനം ചെയ്യേണ്ട ആവശ്യമുണ്ടു്. ജന്മികളോടും കുടിയാന്മാരോടും ഒരുപോലെ അനുഭാവം ഉണ്ടാകേണ്ട ഗവമ്മെൻറിനു ഇക്കാര്യത്തിൽ ഒന്നു ജാഗ്രതവയ്ക്കേണ്ടതു അവരുടെ കമ തന്നെ ആയിരിക്കും. ഞങ്ങൾക്കു ഈ ഒരൊററവിഷയത്തിലല്ലാതെ കച്ചവടംകൊണ്ടോ, ഉദ്യോഗംകൊണ്ടോ, അല്ലെങ്കിൽ മറേറതെങ്കിലും പ്രകാരത്തിലൊ ഒററപൈപോലും കിട്ടുകയില്ല. അങ്ങനെയുള്ള കാലമാണിപ്പോൾ വന്നിരിക്കുന്നതു്. പണ്ടൊക്കെ വേണമെങ്കിൽ കുറെ കൂട

തലും കുടിയാന്മാർ തന്നുകൊണ്ടിരിക്കുന്നതിനുള്ള ഔദാര്യമുണ്ടായിരുന്ന അതു പ്രായേണ, ചോദിച്ചില്ലെങ്കിൽ കൊടുക്കേണ്ട എന്നുള്ള നിലയിലാണു വന്നിരിക്കുന്നതു്. ഇനിക്കോടതിയിൽ പോകാമെന്നു വച്ചാൽ അതു എല്ലാവക്കും സാധിക്കുമോ എന്നു ഞാൻ ചോദിച്ചു കൊള്ളട്ടെ. ഏതായാലും ഇന്നൊരുകാലാവധിയ്ക്കകം സെററിൽമെൻറു രജിസ്റ്റർ നടത്തിക്കൊള്ളാമെന്നു പ്രഖ്യാപനംചെയ്യുന്നപക്ഷം ആ ഒരു ഉപാധിയോടുകൂടി ഞാൻ ഈ ഭേദഗതിയെ പിൻവാങ്ങുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I speak in Malayalam, Sir?

PRESIDENT: Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിമെമ്പർമാർ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള അമൻറുമെൻറിനുവേണ്ടിയാണു് ഈ പ്രസംഗങ്ങളൊക്കെ ചെയ്തതു് എന്ന നിലയിൽ മാത്രമെ ഞാൻ അതിനെ വിചാരിക്കുന്നുള്ളു. ജന്മിക്കരം ഗവൺമെൻറു പിരിക്കാമെന്നുള്ള ഭാരം ഏല്ക്കുന്നതുകൊണ്ടു് അതു സംസ്ഥാനം ഒട്ടുക്കുള്ള ഭൂമികളെ ഒന്നാകെ എടുത്തു പിരിക്കണമെന്നും, അല്ലാതെ സെററിൽമെൻറു തീരുന്നതനുസരിച്ചു് അതാതു സ്ഥലങ്ങളിലുള്ള കരം നേരത്തെ പിരിക്കാൻ പാടില്ലെന്നും ഉള്ളതാണു് ഈ ഭേദഗതികളുടെ സാരം. ഗവൺമെൻറു ഈ ഭാരം കയ്യേല്ക്കുന്ന സ്ഥിതിക്കു ജന്മവസ്തുക്കളിൽ ആദ്യം സെററിൽമെൻറു നടത്തണം. അതിനുശേഷം ഓരോ സ്ഥലങ്ങളെ സംബന്ധിച്ചും വിചാരണ നടത്തി പ്രമാണങ്ങൾ നോക്കി കരം നിർണ്ണയിച്ചു് ഒരുജന്മിക്കരം രജിസ്റ്റർ തയാറാക്കണം. ഇതുതയാറായിവന്നാൽ ഉടൻതന്നെ കരങ്ങൾ പിരിച്ചുതുടങ്ങാം. ഇങ്ങനെ തയാറാക്കുന്നതിൽ വല്ല തർക്കവും വന്നാൽ അതു സിവിൽ കോടതിയിൽ പോയിതീർത്തു കൊള്ളണം. ഇതാണു ഇപ്പോൾ നിർണ്ണയിച്ചിട്ടുള്ള വ്യവസ്ഥ. എന്നാൽ ഇതിൽ ജന്മി മെമ്പർമാർ പറയുന്ന തർക്കത്തെപ്പററി ഒന്നാലോചിക്കാം. ആദ്യംതോവാള താലൂക്കിൽ സെററിൽമെൻറു തുടങ്ങുന്നു. അവിടെ അതു പൂർത്തിയാകുന്നതിനു് ആറുമാസം വേണ്ടിവരുന്നു. രണ്ടാമതു കാർത്തികപ്പള്ളി താലൂക്കിൽ തുടങ്ങുന്നു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഓരോ ഡിവിഷൻ തിരിച്ചു പ്രത്യേകം തുടങ്ങുന്നതു കുറെക്കൂടി എളുപ്പമല്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതുപറയാം.

[Mr. Kayalam Paramesvaran Pillai.]

കാർത്തികപ്പള്ളി താലൂക്കിലെ സെററിൽമെൻറു തീരുന്നതിനു ഒരുകൊല്ലംവേണ്ടിവരുന്നു. ഇപ്പോൾ മി. തുപ്പൻനമ്പൂതിരിപ്പാടു പറയുന്നതു തോവാളതാലൂക്കിൽ ആറുമാസംകൊണ്ടു തീർന്നാലും അവിടത്തെ കരംപിരിക്കാൻ തുടങ്ങരുതെന്നും കാർത്തികപ്പള്ളി താലൂക്കിൽ ഒരു കൊല്ലം കൊണ്ടു തീർന്നശേഷമേ രണ്ടുസ്ഥലത്തേയും കരംപിരിക്കാൻ പാടുള്ളു എന്നുമാണ്. എന്നാൽ ഈ സംഗതിയിൽ ഗവർമ്മെൻറിനു ഒരു ബുദ്ധിമുട്ടും ഇല്ലെന്നുമാത്രമല്ല ഈ ബില്ലിൽ പറയുന്നപ്രകാരം ഗവർമ്മെൻറു നിർവ്വഹിക്കുന്നതിനു ഇതുകൊണ്ടു ന്യൂനതയുമില്ല. ഈ ഭേദഗതികൊണ്ടു ഞാൻ മനസ്സിലാക്കിയിടത്തോളം കുടിയാന്മാർക്കും ആക്ഷേപമില്ല. എന്നാൽ ഒരുസ്ഥലത്തു സെററിൽമെൻറു തീർന്നാലും എല്ലാസ്ഥലത്തും തീരുന്നതുവരെ ഇതു ഇട്ടുകൊണ്ടിരിക്കുന്നതു് അത്ര ഉചിതമായിരിക്കുമോ എന്നൊരു ചഞ്ചലം ഗവർമ്മെൻറിനുണ്ട്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ അമൻറുമെൻറു കൊണ്ടുവരാനുള്ള കാരണമെന്താണ്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): എന്നാൽ മൂന്നു ജന്മിമെംബർമാരും ഇങ്ങനെ നിർബന്ധിച്ചു പറയുകയാണെങ്കിൽ ഗവർമ്മെൻറു് അതു സ്വീകരിക്കേണ്ടതായിട്ടു വരുമെന്നാണു തോന്നുന്നതു്.

ഗവർമ്മെൻറു് ഈ കരംപിരിവിനെ സംബന്ധിച്ചു് ഒരു പ്രഖ്യാപനം ചെയ്യണമെന്നാണു ജന്മിമെമ്പർമാർ പറയുന്നതു്. ഇങ്ങനെ ഒരു ഭേദഗതി കൊണ്ടുവന്നാലും ഇല്ലെങ്കിലും, ഗവർമ്മെൻറു പ്രഖ്യാപനം ചെയ്യാൻ തയാറുണ്ട്. കരംപിരിവിനെ സംബന്ധിച്ചുള്ള നടപടി നടത്തി തുടങ്ങിയാൽ അതു നിർത്തിവയ്ക്കണമെന്നു ഗവർമ്മെൻറു വിചാരിക്കുന്നില്ല. ഇതിനുംപുറമെ ഗവർമ്മെൻറു നടത്തുന്ന നടപടികളുടെ വിവരം അറിയണമെങ്കിൽ ഇനി നമുക്കുള്ള രണ്ടു പ്രതിനിധിസഭകളും മുഖാന്തരം ചോദ്യങ്ങൾ ചോദിക്കുന്നതിനും നമുക്കു സൌകര്യമുണ്ട്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കഴിയുന്നതുംവേഗത്തിൽ എന്നു ഈ ബില്ലിൽ പറഞ്ഞിട്ടുണ്ട്. അതു് ഒരുകാലക്ലിപ്തം ചെയ്തുപറയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇപ്പോൾസാധിക്കുകയില്ല. നടപടിനടത്തി തുടങ്ങിയശേഷമേ അതുപറയുവാൻ സാധിക്കുകയുള്ളു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കാലനിൎണ്ണയംചെയ്തിട്ട് അതുപോരാതെവന്നാൽ കുറെസമയംകൂടി നീട്ടികൊടുക്കരുതോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): എന്തുസമയം വേണമെന്നു ഒരറിവുമില്ലാതെ ഇപ്പോൾഎങ്ങനെയാണു പറയുന്നതു്? ഈസംഗതിയിൽ വീഴ്ചവരുത്തണമെന്നു ഗവൎമ്മെന്റു വിചാരിക്കുന്നില്ല. കഴിയുന്നതും വേഗത്തിൽ ഇതിലേക്കു വേണ്ട നടപടിനടത്തിതുടങ്ങും. നടപടിയുടെവിവരങ്ങൾ ജന്മിമാൎക്കോ കുടിയാന്മാൎക്കോ അറിയണമെങ്കിൽ അസംബിളിയിലോ സ്റ്റേറ്റ്കൌൺസിലിലോ ചോദ്യങ്ങൾ ചോദിച്ചാൽ മതിയാകുന്നതാണ്. മാസംതോറും ഈനടപടികളുടെവിവരം പരസ്യം ചെയ്യണമെങ്കിൽ അതിനും വിരോധമില്ല. മി. തുപ്പൻനമ്പൂതിരി പറഞ്ഞതു കരംകിട്ടിയില്ലെങ്കിൽ ജന്മിമാരൊക്കെ പട്ടിണിയാണെന്നാണ്. ജന്മിമാരൊക്കെ പട്ടിണിയാണെന്നു വാദത്തിനുവേണ്ടി സമ്മതിച്ചാലും (ഞാൻ അതുസ്വീകരിക്കുന്നില്ല). അങ്ങനെയാണെങ്കിൽ ഒരുസ്ഥലത്തു സെറ്റിൽമെന്റു നടത്തിയാൽ ഒരഞ്ഞൂറുജന്മിമാൎക്കു പട്ടിണിക്കിടവരുത്താതെ കരം പിരിച്ചു കൊടുക്കാമെന്നിരിക്കെ ബാക്കിയുള്ള സ്ഥലത്തുള്ള സെറ്റിൽമെന്റു തീരുന്നതുവരെ ഇവരുംപട്ടിണികിടക്കണമെന്നു പറയുന്നതു ന്യായമല്ല. ഈ കാരണംകൊണ്ടാണു മി. തുപ്പൻനമ്പൂതിരിപ്പാടിന്റെ അമെൻറുമെന്റു ന്യായമല്ലെന്നു ഞാൻപറയുന്നതു്. എന്നാൽ കഴിയുന്നതുംവേഗത്തിൽ ഇതിലേക്കുവേണ്ട നടപടിനടത്താമെന്നു ഗവൎമ്മെന്റിനുള്ള ഉത്തരവാദിത്വത്തോടുകൂടി ഞാൻ ഇപ്പോൾപറഞ്ഞുകൊള്ളട്ടെ.

ജന്മിമാരെല്ലാംകൂടി ഈ അമെൻറുമെന്റു വേണമെന്നുപറയുന്നപക്ഷം അവരുടെഉത്തരവാദിത്വത്തിന്മേൽ, ഞാൻ മുമ്പുപറഞ്ഞതുപോലെ, ഗവൎമ്മെന്റു സ്വീകരിക്കേണ്ടിവന്നേയ്ക്കും. കുടിയാൻ മെമ്പർമാൎക്കു ഇതിൽ വിരോധം മിക്കവാറും കാണുകയില്ല. എന്നാൽ ഇതുന്യായമല്ലാത്തതാകുന്നായതുകൊണ്ടു ഗവൎമ്മെന്റിനു ഇതുസ്വീകരിക്കേണ്ടതായിവന്നാൽ അതുവളരെ വ്യസനത്തോടുകൂടി ആയിരിക്കുമെന്നുകൂടി എനിക്കു പറയുവാനുണ്ടു്.

ഈ അമെൻറുമെന്റു സ്വീകരിക്കുന്നതിനു മറെറാരു കാരണമായി മി. തുപ്പൻനമ്പൂതിരിപ്പാടു പറയുന്നതു സെററിൽമെന്റു ചില താലൂക്കുകളിൽ നടത്താതെ ഇട്ടേക്കുമെന്നാണ്. ഗവൎമ്മെന്റങ്ങനെ വിചാരിക്കുന്നില്ല; അഥവാ ജന്മിക്കരം നേരത്തെ കിട്ടണമെങ്കിൽതന്നെയും ഈ ബില്ലിൽപറയുന്നതനുസരിച്ചു ഒരപേക്ഷ താലൂക്കുകച്ചേരിയിൽ കൊടുത്താൽമതിയാകുന്നതാണ്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): താലൂക്കിൽ ഒരപേക്ഷകൊടുത്താൽ ഇന്നു ജന്മിക്കരംകിട്ടുമെന്നു മെമ്പർ വിചാരിച്ചിരിക്കുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഗവൺമെൻറിൽനിന്നും പിരിച്ചുതരുന്നതുപോലെ അത്ര എളുപ്പത്തിൽ സാധിച്ചുഎന്നുവരികയില്ലായിരിക്കാം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): പഴയറഗുലേഷനിൽതന്നെ സമ്മറിയായി സിവിൽകോടതിയിൽ കേസുകൊടുക്കാമെന്നുള്ള പ്രായോഗികത്തിൽ പ്രയോജനരഹിതമായിട്ടാണിരിക്കുന്നതെന്നു മെമ്പർക്കറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതിനെപ്പററി രണ്ടഭിപ്രായമുണ്ട്. ജന്മിമാർ കുടിശിഖയിടാൻനോക്കുകയല്ലാതെ സമ്മറിയായി കേസുകൊടുക്കാൻ പോകുന്നില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിമാർ കുടിശിഖവരുത്തിപ്പിക്കണമെന്നു വിചാരിച്ചാണോ സമ്മറിയായി കേസുകൊടുക്കാത്തതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ ഒന്നും ഗവൺമെൻറുപറയുന്നില്ല. എന്നാൽ ഇങ്ങനെയും ഒരഭിപ്രായം വന്നിട്ടുണ്ടെന്നു മാത്രമേപറയുന്നുള്ളു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഗവൺമെൻറിന്റെ അഭിപ്രായം എന്താണ്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇരുകൂട്ടർക്കും ഇതുനിമിത്തം വഴക്കിനു വഴിയുണ്ടെന്നു ഗവൺമെൻറു മനസ്സിലാക്കീട്ടുണ്ട്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിമാർ മനഃപൂർവ്വം കുടിശിഖയിട്ടുകൊണ്ടിരിക്കുന്നു എന്നു ഗവൺമെൻറു മനസ്സിലാക്കിയിട്ടുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ മനസ്സിലാക്കീട്ടില്ല; ഈ സമ്മറി പ്രൊസീഡിങ്ങ്സ് അസാദ്ധ്യമാണെന്നോ സാദ്ധ്യമാണെന്നോ രണ്ടും ഗവൺമെൻറു പറയുന്നില്ല. ജന്മികുടിയാൻ ബില്ലിനെപ്പററി നടന്ന കാൺഫറൻസിൽ മി. തുപ്പൻനമ്പൂതിരിപ്പാടും ഒരുമെമ്പറായിരുന്നു. ആ കാൺഫറൻസിൽ കൂടുതൽ പലിശ കിട്ടണമെന്നുള്ള വിചാരത്താൽ ജന്മിമാർ കുടിശിഖയിടുന്നുണ്ടെന്നുള്ള ഒരഭിപ്രായംവന്നു. അതുകൊണ്ടാണ് ഒരു കൊല്ലത്തി

ൽക്കൂടാത്ത കാലത്തിനുള്ള കരംഈടാക്കികൊടുക്കുന്നതിനു ബില്ലിൽവ്യവസ്ഥവച്ചതു്.

MR. C. N. TUPPAN NUMPUTIRIPAD (*Jenmies*): സമ്മറിയായിട്ടു കേസ് കൊടുക്കുക എന്നുള്ള വകുപ്പ് അത്ര പ്രായോഗികമല്ല എന്നു റൌണ്ട്ടേബിൾ കാൺഫറൻസിൽ വാദിച്ചിട്ടുള്ളതായി അറിയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): വാദിച്ചിട്ടുണ്ട്. ഇപ്പോൾ ചേർത്തിട്ടുള്ള ൪ ൦ എ. മുതൽവകുപ്പുകൾപോലെ അത്ര എളുപ്പമല്ല ഇതെന്നുള്ളതും സമ്മതിക്കുന്നു. ഏതായാലും ജന്മിമാർ തീരെ പട്ടിണികിടക്കയാണെന്നു പറയുന്ന വാദത്തിൽ അർത്ഥമില്ല.

MR. S. KRISHNA PILLAI (*Karunagapalli*): മി. തുപ്പൻനമ്പൂതിരിപ്പാടിന്റെ അമൻറുമെൻറു നടപ്പിൽഇരിക്കുന്നിടത്തോളം കാലം കുടിയാൻ കരം കൊണ്ടു തന്നാൽ സർക്കാരിൽനിന്നും വാങ്ങിക്കുമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): വാങ്ങിക്കയില്ല.

MR. S. KRISHNA PILLAI (*Karunagapalli*): സമയത്തു ഗവൺമെന്റു വാങ്ങിയില്ലെങ്കിൽ പലിശ കൂടുകയില്ലേ? അതു കുടിയാനുനഷ്ടമല്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിമാരെ ഏല്പിക്കാം. അവർ വാങ്ങിച്ചില്ലെങ്കിൽ കോട്ടിൽ കെട്ടിവയ്ക്കാം. അതിലേയ്ക്കുള്ള വ്യവസ്ഥയുണ്ട്. എന്നാൽ "എളുപ്പട്ടിപയററിൽ ഇപ്പടി" എന്നുപറയുന്നക്രുട്ടത്തിൽ അതു പ്രായോഗികമാണോ എന്നുസംശയമാണ്. ഏതായാലും ഇതു ചട്ടത്തിലുണ്ട്.

ജന്മിമെമ്പർ ആവശ്യപ്പെട്ടതുപോലെ കരംപിരിക്കുന്നതിന്റെ നടപടി കഴിയുന്നതും വേഗത്തിൽ തുടങ്ങുന്നതാണെന്നുള്ള ഒരു പ്രഖ്യാപനം ചെയ്തുകൊള്ളുന്നു. എന്നാൽ ഈ പ്രഖ്യാപനംകൊണ്ടു അമൻറുമെൻറിലടങ്ങിയിട്ടുള്ള മററുഭാഗങ്ങൾ ഞാൻസ്വീകരിക്കുന്നു എന്നുവിചാരിക്കേണ്ടാ. ഈ സംഗതിയിൽ ഗവൺമെൻറിന് ഉത്തരവാദിത്വമുള്ളതുകൊണ്ടുമാത്രമാണ് ഈ പ്രഖ്യാപനം ചെയ്യുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum*): കഴിയുന്നതും വേഗത്തിൽ ഈ ജോലിതുടങ്ങാമെന്നു ൪ ൦ ബി. വകുപ്പിൽതന്നെ പറയുന്നുണ്ടല്ലോ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഉണ്ട്. ഒരു സംശയവും ഉണ്ടാകാതിരിക്കുന്നതിനാണു കഴിയുന്നതുംവേഗത്തിൽ എന്നുചേർത്തതു്.

[Mr. Kayalam Paramesvaran Pillai.]

For carrying out the purposes of the foregoing Section, our Government shall, as soon as may be..
എന്നു റഗുലേഷനിൽ പറഞ്ഞുപോയാൽ പിന്നീടു അതു മഹാരാജാവു തിരുമനസ്സിലെ കല്പനയാണ്. ഇങ്ങനെ ഒരുകല്പന ഈ റഗുലേഷൻ മുഖാന്തിരം പരസ്യം ചെയ്തുപോയാൽപിന്നീടു, ഞാൻ പ്രത്യേകം പറയേണ്ട ആവശ്യമില്ലല്ലോ. ഗവൺമെൻറ് അതിനെ ഒരിക്കലും നിഷേധിക്കുന്നതല്ല. അതിനാൽ ഈ അമൻറുമെൻറിൻെറ ആവശ്യമില്ലെന്നാണ് എൻെറ അഭിപ്രായം.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): മി. കയ്യാലം പരമേശ്വരൻ പിള്ളയുടെ ഭേദഗതി (ർ o എ) പ്രകാരം ഓരോ പ്രത്യേക പ്രദേശങ്ങളിൽ പ്രത്യേക ജന്മിമാരുടെ ജന്മവസ്തുക്കളെസംബന്ധിച്ചു കണ്ടെഴുത്തുനടത്തി പിരിവുതുടങ്ങാനുള്ള അധികാരം ഗവൺമെൻറിനു സിദ്ധിക്കുന്നുണ്ട്. ഇങ്ങനെ അവ്യവസ്ഥിതമായ ഒരു വകുപ്പുകൊണ്ടു ഗവൺമെൻറിനു പെരുമാറാൻ അധികാരം ഇരിക്കുമ്പോൾ സ്വാധീനശക്തിയുള്ള ആളുകൾക്ക് അവരവരുടെകാര്യങ്ങൾ എളുപ്പത്തിൽസാധിക്കുന്നതിനുള്ള ഒരവസരം ഉണ്ടാകുന്നുണ്ട്. ബാക്കിയുള്ളവരുടെകാര്യങ്ങൾ സാധിക്കുന്നതിനു വളരെ കാലതാമസം വരുമെന്നുള്ള വിചാരത്താലാണ് മി. കുപ്പൻ നമ്പൂതിരിപ്പാട് ഈ അമൻറുമെൻറ് ഇവിടെകൊണ്ടുവരുന്നതിനുള്ള പ്രധാനകാരണം.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): "സ്വാധീന ശക്തിയുള്ളവരുടെ കാര്യം എളുപ്പത്തിൽ സാധിക്കുന്നു" എന്നുപറഞ്ഞഭാഗം എന്താണെന്നു മനസ്സിലാകുന്നില്ല?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതുപറയാം. ഇന്ന് ഈ വകുപ്പുപ്രകാരം ഗവൺമെൻറ് ആദ്യം സെററിൽമെൻറുനടത്തി പിരിവുതുടങ്ങുന്നതു് അഘവൂർനമ്പൂതിരിപ്പാടിൻെറ വസ്തുക്കളിലായി എന്നുവരാം. അതുകഴിഞ്ഞു സ്വർണ്ണനമ്പൂതിരിയുടെയോ അല്ലെങ്കിൽ പനനമ്പൂതിരിയുടെയോ ആയിഎന്നുവരാം. ഇവരൊക്കെ സ്വാധീനശക്തിയുള്ളവരാണ്. ഇതൊക്കെകഴിഞ്ഞു ബാക്കിയുള്ളവരുടെകാര്യം വളരെ അമാന്തിച്ചേതീരുകയുള്ളു.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): ഓരോ താലൂക്കുതോറുമെന്നോ ഓരോ ഡിവിഷൻതോറുമെന്നോ വ്യവസ്ഥചെയ്താൽ ഈദോഷം വരുമോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഒരുപക്ഷേ ദോഷമില്ലായിരിക്കാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ആദ്യം കുറച്ചു ആളുകൾക്കാനുകൂല്യം കിട്ടിയാലും ഇതവസാനിക്കുന്നതെല്ലാം ഒന്നിച്ചായിരിക്കുമല്ലോ.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതു ജാഗ്രതയനുസരിച്ചിരിക്കും. ഇല്ലെങ്കിൽ ദിവസം നീണ്ടുപോയേക്കാനും മതി.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇതു് അടുത്തകാലത്തു തീരുമോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഇല്ല. ഏതായാലും പിരിവു് ഒന്നിച്ചു തുടങ്ങണമെന്നാണു് എന്റെ അഭിപ്രായം.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ജന്മിക്കരം പിരിക്കണമെന്നു ഗവൺമെന്റിനു തീരെ ആഗ്രഹമില്ലെങ്കിലോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതാഗ്രഹമുണ്ടെന്നു സമ്മതിച്ചു കഴിഞ്ഞിരിക്കുന്നതുകൊണ്ടു് അതു് ഒരു accepted fact ആയിരിക്കയാണു്.

അതുകൊണ്ടു് ഈ ഭേദഗതി ആവശ്യമാണെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഇതിനെ അനുകൂലിക്കുന്നു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ലാമെമ്പർ പ്രസ്താവിച്ചസംഗതികൾ മുഴുവനും എനിക്കു മനസ്സിലായി. ഈ അമൻഡ്മെൻറിന്റെ ഉദ്ദേശം ഞാൻ ആദ്യമേതന്നെ വെളിപ്പെടുത്തിയിട്ടുണ്ടു്. ഈ ഭാഗത്തെപ്പററി ഈകൗൺസിലിൽ അഭിപ്രായവ്യത്യാസത്തിനു വകയുമില്ല. ഇപ്പോഴത്തെ പുതിയ ജന്മികുടിയാൻ ബില്ലിൽ ഏററവും ഒരു പ്രധാനമായഭാഗമാണു് ഇതു് എന്നാണു് എനിക്കു തോന്നിയിട്ടുള്ളതു്. ഈ സംഗതി എത്രയും വേഗം നടപ്പിൽ വരുത്തണമെന്നുള്ള ഉദ്ദേശം ഗവൺമെൻറു വിചാരിക്കയാണെങ്കിൽ സാധിക്കും. അതിലേക്കു ഒരുനിർബ്ബന്ധബുദ്ധിയുണ്ടാകുന്നതിനുവേണ്ടിമാത്രമാണു ഞാൻ ഈ ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളതു്. സെററിൽമെൻറു തീരുന്ന ഭാഗങ്ങളിൽ കരം പിരിച്ചു തുടങ്ങിയാൽ അവിടെയുള്ള ജന്മിമാരെങ്കിലും പട്ടിണികൂടാതെ കഴിക്കുമല്ലോ എന്നാണു ലാമെമ്പർ പറഞ്ഞതു്. എന്നാൽ ജന്മിമാക്കു ഇതുകിട്ടിയാലും ഇല്ലെങ്കിലും പട്ടിണിയാണു്. റവന്യൂറക്കവറി റഗുലേഷൻ മുഖാന്തരം തഹശീൽദാക്കപേക്ഷ കൊടുത്തു പിരിക്കരുതോ എന്നു ചില മെമ്പർമാർ പറയുകയുണ്ടായി. ഇതെല്ലാം കടലാസിലുണ്ടെങ്കിലും സാധിച്ചുകിട്ടുന്ന കാൎയ്യം അത്ര എളുപ്പമല്ല. ൧൧-ലെറഗുലേഷൻ അനുസരിച്ചു മിച്ചവാരം

[Mr. C. N. Tuppan Namputiripad.]

കൊടുക്കയും വല്ല അടിയന്തിരങ്ങളും വരുമ്പോൾ അതിലേക്കു വല്ലതും കൊടുക്കയും ഫ വ കൊല്ലംകഴിഞ്ഞു തുച്ഛമായ ഒരു സംഖ്യ പൊളിച്ചെഴുത്തിനു കൊടുക്കയും വേണമെന്നാണു സാധാരണക്കാരുടെ ധാരണ. ജന്മിമാക്കുഇപ്പോൾ ഫ ധ ചക്രം കൊടുക്കാനുള്ളതു ഈ റഗുലേഷൻ പാസായി ഗവൺമെൻറു പിരിച്ചുതുടങ്ങുമ്പോൾ ഫ ൫ ചക്രം കൊടുക്കേണ്ടതായിവരും. അതു കൂടുതലാണെന്നു പറഞ്ഞു ജന്മിക്കു കുടിയാന്മാർ കൊടുക്കുകയില്ല. ഇതിനുംപുറമെ ഈ റഗുലേഷൻ പാസായികഴിഞ്ഞാൽ ജന്മിക്കു മിച്ചവാരം കൊടുക്കണ്ടാ എന്നുള്ള വിചാരത്തിലും ചിലർ കൊടുക്കാതെയിരിക്കും. ഏതായാലും ജന്മിക്ക് ഒന്നുംതന്നെ കിട്ടുകയില്ല എന്നുള്ള ഒരു നിലയാണു കാണുന്നതു്. ഇതു് എൻെറ അനുഭവം പറയുകയാണു. കുടിയാന്മാരുടെ സംഗതികൾ മുഴുവനും അറിയാവുന്ന മെമ്പർമാരും ഇവിടെധാരാളമുണ്ടു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): കുടിയാൻമെമ്പർമാർ ഇവിടെയുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കുടിയാന്മാരുടെനില അറിയാവുന്ന മെമ്പർമാരിവിടെഉണ്ടു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ജന്മിമാരുടെ നില അറിയാവുന്ന മെമ്പർമാരുമില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഉണ്ടു്. കുടിയാന്മാരുടെ ഭാഗത്തേയ്ക്കും ദോഷകരമായ പലഭാഗങ്ങളും ഈ ബില്ലിൽഉണ്ടു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): കുടിയാന്മാക്കു ദോഷമായ വകുപ്പുകൾ ഈ ബില്ലിൽഉണ്ടെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിമാരുടേയും കുടിയാന്മാരുടേയും രക്ഷയെനോക്കിയിട്ടുള്ള ഒരു നിയമരൂപീകരണമല്ല ഇതു.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): പിന്നെ ആരുടെ രക്ഷയെയാണ് ഇതിൽ നോക്കിയിട്ടുള്ളതു്?

MR. C. N. TUPPAN NANPUTIRIPAD (*Jenmies*): ഗവൺമെൻറിൻെറ രക്ഷയ്ക്കാണെന്നും പറയാൻതരമില്ല. കുടിയാന്മാക്കുവേണ്ടി ഗവൺമെൻറു ഒരു വലിയഭാരം (പിരിവുഭാരം) കയ്യേററിട്ടുണ്ടു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) ഗവൺമെൻറു കുടിയാനാണോ അതല്ല ജന്മിക്കാണോ കരം പിരിച്ചുകൊടുക്കുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കുടിയാന്മാക്കുവേണ്ടി ഗവൺമെൻറു കയ്യേററു എന്നാണ് ഞാൻപറയുന്നതു്. സിലക്ട്

കമ്മിററിയിൽ മെജാറിട്ടിയനുസരിച്ചു റിപ്പോൎട്ട് തയ്യാറാക്കുക എന്നുള്ള ഒരു ന്യായമാണുണ്ടായിരുന്നതു്. ആ റിപ്പോൎട്ട ഞങ്ങൾ സ്വീകരിച്ചില്ല; എന്നാൽ ഗവൺമെന്റുജന്മിക്കരം പിരിച്ചുതരാമെന്നു ഏല്ക്കുന്നപക്ഷം ഞങ്ങൾ അനുസമ്മതിക്കാമെന്നുപറഞ്ഞു. ഗവൺമെന്റു പിരിവുഭാരംകയ്യേല്ക്കയുംചെയ്തു. ഇതിൽനിന്നും ഗവൺമെന്റ് ആൎക്കുവേണ്ടിയാണ് ഈ ഭാരം കയ്യേററതെന്നു നിങ്ങൾക്ക് ഊഹിക്കുവാൻ കഴിയുമെന്നാണ് ഞാൻവിചാരിക്കുന്നതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതാരാണ് ആവശ്യപ്പെട്ടതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കമ്മിററിയുടെറിപ്പോൎട്ടനുസരിച്ചുള്ളതു സ്വീകരിക്കാൻനിവൃത്തിയില്ലാത്തതിനാൽ ജന്മിമാർആവശ്യപ്പെട്ടു.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I rise to a point of order. Is this all relevant to the point now under discussion?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതുകൊണ്ടു ഞാൻ ഈ ഭേദഗതി പിൻവലിക്കുന്നതിനുദ്ദേശിക്കുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He does not want to withdraw his amendment. He says he is going to press it. Therefore he has to move it formally. I thought he was going to withdraw after getting an announcement from Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it not the amendment that was drafted here, that is now being moved?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It was drafted only at the request of the Jenmi members.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Why should he withdraw, then?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I thought that he was only awaiting an assurance from Government I may make the position clear. Government have not the least idea of protracting the enquiry towards the settlement of the jenmikaram.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Can we get any idea as to the time within which that will be done?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Nothing. I can only give my personal *opinion* about it, and no definite information.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the procedure to be adopted? The Jenmi members have given expression to an apprehension that some influential Jenmies may be taken up first, leaving the rest to suffer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have no such idea. Some details in regard to the procedure to be adopted have been mentioned in some of the succeeding Sections.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the work will not be done on a territorial basis?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Whatever is convenient will be done.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is there not an assurance at least with regard to that? I suppose the work will be proceeded with on the territorial basis as in the case of the ordinary settlement. There must be an assurance at least with regard to that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It need not necessarily be that; because it is provided *"or in such other convenient groups;"* because, a hundred Jenmies may agree among themselves, come forward to Government and say "We have settled our lands; here they are; take them"; then, why should the Government raise any objection?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Why should the Government be in a hurry if the Jenmies do not want it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; having regard to the unanimous demand made by the Jenmi members here, Government are inclined to support the amendment of Mr. Tuppan Namputiripad.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Once the Government take up the responsibility, will they not continue till the whole settlement is over?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So long as there is provision in the Regulation, Government will do it.

PRESIDENT: An amendment has been moved by Mr. Tuppan Namputiripad to the Explanation to Section 40 A. With the amendment the Section will read as follows:

> "Our Government shall assume the collection in respect of all the jenmom lands in the State at the same time although the proceedings towards such assumption may be made in respect of all the jenmom lands in the State together or of such lands in any local area or in such other convenient groups as may be determined by Our Government."

The amendment was put to vote and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I demand a poll.

A poll was taken and the House divided as follows;—

AYES—22.

1	Mr.	K. C. Chandi
2	„	A. S. Damodaran Asan
3	„	A. Narayana Pillai
4	„	M. N. Narayana Menon
5	„	K. Kunjukrishna Pillai
6	„	C. P. Bhattatiri
7	„	N. Raman Namputiripad
8	„	C. N. Tuppan Namputiripad
9	„	K. George
10	„	R. Dhanukoti Pillai
11	„	A. Kumara Pillai
12	Mr.	Srirenganatha Sastri
13	„	R. Nilakanta Pillai
14	„	Kayalam Paramesvaran Pillai
15	„	S. C. H. Robinson
16	Dr.	N. Kunjan Pillai
17	Mr.	N. K. Padmanabha Pillai
18	„	B. Narayana Pillai
19	„	C. O. Madhavan
20	„	J. S. Westerdale
21	„	E. G. McAlpine
22	„	N. Nilakanta Pillai

NOES - 4.

1	Mr.	Rama Varma Raja
2	„	K. P. Madhavan Pillai
3	Mr.	M. Govindan
4	„	N. John Joseph

NEUTRALS—18.

1	Rao Bahadur	A. Venkatarama Aiyar
2	Mr.	Tariatu Kunjitomman
3	„	S. Krishna Pillai
4	„	N. K. Krishna Pillai
5	„	K. Madhavan Pillai
6	„	A. Thanu Pillai
7	„	R. S. Subrahmanya Pillai
8	„	E. V. Krishna Pillai
9	„	K. Krishnan Nayar
10	Mr.	Kochu Kora Tarakan
11	„	P. S. Mahomed
12	„	M. Mahomed Mustapha
13	„	K. Padmanabha Panikkar
14	„	K. P. Nilakanta Pillai
15	„	K. Narayanaperumal Nadar
16	„	K. Gopalakrishna Pillai
17	„	K. P. Abraham
18	„	Joseph Kunju

The amendment was declared carried, 22 voting *for* the amendment, 4 *Against* and 18 remaining *netral.*

The question that the proposed Section 40 A as amended do form part of the Bill was put and carried.

The section was added to the Bill.

Proposed Section 40 B.

PRESIDENT: There is a consequential amendment.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): വകുപ്പുനാല്പതു എ. യിൽചേർത്തിട്ടുള്ള ഭേദഗതിയെ അടിസ്ഥാനപ്പെടുത്തി അതനുസരിച്ചുതാഴെപറയുന്ന ഭേദഗതി ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): രണ്ടാമത്തെ ഭേദഗതിയും ഇപ്പോൾതന്നെ അവതരിപ്പിക്കാം.

I shall read the amendment, on behalf of Mr. Tuppan Namputiripad who does not know English.

In the proposed Section 40 B, after the word "*prepared*", insert the words "*f r the whole State or*"; and in the Explantion to that Section, in line 2, insert the words "*in respect of the whole State or*" after the word "register".

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): I second it.

The amendment was accepted.

The question that the proposed Section 40 B as amended do stand part of the Bill was then put and carried.

The Section was added to the Bill.

The question that the proposed Sections 40 C and 40 D do stand part of the Bill was then put and carried.

The proposed Sections were added to the Bill.

Proposed Section 40 E.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall read this amendment also for Mr. Tuppan Namputiripad.

Substitute the following for the proposed Section 40 E.

> "When the preparation of the Register of Jenmikarams has been completed in the prescribed manner in respect of the whole State and such Register has received the approval of Our Government; Our Government shall publish in Our Government Gazette, and in such other manner if any as may be prescribed, a Notification notifying that, with effect from a specified date there-after, which shall not be earlier than two months from the date of the Notification they have under Section 40 A assumed the collection of jenmikarams in respect of the whole State."

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മി. കയ്യാലം പരമേശ്വരൻ പിള്ള ഇവിടെ ഇംഗ്ലീഷിൽ വായിച്ച ഭേദഗതിയെ ഞാൻ അനുവർത്തിച്ചുകൊള്ളുന്നു.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): I second it.

The amendment was carried *nem con*.

The question that the proposed Section 40 E as amended do stand part of the Bill was then put to vote and carried.

The proposed Section 40 E was added to the Bill.

Proposed Section 40 F.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall read this amendment also on behalf of Mr. Tuppan Namputiripad.

Substitute the following for Section 40 F (1):

> "The jenmikarams in respect of lands covered by the Register of Jenmikarams referred to in the foregoing Section and accruing due from and after the date specified in the Notification published under that Section shall be paid to Our Government in such manner and at such times as may be prescribed and may in default of such payment be recovered under the provisions of the Revenue Recovery Regulation (Regulation I of 1068, as amended by Regulations III of 1087, VIII of 1094, X of 1097 and II of 1099) in the same manner as arrears of land revenue."

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇങ്ങനെ ഒരു ഭേദഗതി ഇവിടെ അവതരിപ്പിക്കാനുള്ള കാരണം ജന്മികരം.........

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇതിൽ തർക്കമൊന്നുമില്ല, സ്വീകരിച്ചുകൊള്ളാം. അതുകൊണ്ടു പ്രസംഗം ചെയ്യേണ്ട ആവശ്യമില്ലല്ലൊ.

MR. N. RAMAN NAMPUTIRIPAD (*Co-optd*): I second it.

The amendment was put and carried *nem con*.

The question that the proposed section 40 F, as amended, do stand part of the Bill was then put and carried.

The Section was added to the Bill.

The question that the proposed Sections 40 G to M do stand part of the Bill was then put and carried.

The Sections were added to the Bill.

Proposed Section 40 N.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following amendment:

After the proposed Section 40 M in Clause XX insert the following as Section 40 N :—

> "40 N. No jenmikaram shall be recoverable under the provisions of this Chapter by the sale of any land except the land on which the jenmikaram is a charge."

Sir, the Jenmies have always been getting only a very small fraction of the yield as jenmikaram; and now, very extraordinary remedies are being given to them to realise their dues. Government have agreed to collect the jenmies' dues. It is therefore only fair and just that, for the realisation of the Jenmies' *dues*, the Government proceed only against the property on which the jenmikaram is a charge. That is all I have to say in support of the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I second the amendment.

First of all, I may point out that the Jenmies need not be under any apprehension about the amendment. The Jenmies' only consideration is that the land on which the jenmikaram is a charge should be valuable enough for the realisation from it of the arrears due. The Jenmies must remember that there is the security of the kanom amount which is paid in advance by the Kudiyan. Secondly, there is the value of the improvement effected on the holding by the Kudiyan. Thirdly, under the provisions of the present Regulation, the Kudiyan can leave the land only under exceptional and extraordinary circumstances, so that the Jenmies can rest assured that the Kudiyan would not abandon the holding. There is therefore no reason why the Jenmies should be under any apprehension about the amendment. Suppose, Kudiyans are not prepared to pay arrears of michavaram within one year, the existing Regulation provides that the jenmies can, by application before the Revenue Court, realise the dues from the Kudiyans. Even if the Kanom............

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That position does not arise. The amendment clearly says,

> "That no jenmikaram *shall* be recoverable under the provisions of this Chapter by the sale of any land..........."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So, then, the provision is clear and the amendment of Mr. Asan is quite correct. In accepting this amendment, the Jenmies have no ground to fear. If the

[Mr. K. P. Nilakanta Pillai.]

kanom holding is not worth even one year's michavaram there is no use retaining that land, unless the kudiyan is driven to such a position. Jenmies cannot expect the kudiyan to give up all the advantages which he was enjoying on the kanom holding.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): We have passed Section 40 enabling the Government to collect the Jenmikaram from the kudiyan and pay it over to the jenmies. A Jenmi has not only *a* charge on the holding of the kudiyan, for the jenmikaram but it is a *first* charge on the holding, second only to the charge of Government on that. Now the Jenmies general complaint is that the jenmikaram forms only a small portion of the yield of the property. If that be so: these need be no fear that the small portion may not be realised at all from the holding especially when it is a first charge. Again jenmikaram is realised under this Chapter in accordance with the provisions under the Revenue Recovery Regulation. Uder that, arrears of tax are charged only on the properties whereon the tax in arrears is specifically fixed. On these two grounds, it is only proper, that the jenmikaram is recovered from the particular holding only, and not from any other property of the kudiyan concerned.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മി. ദാമോദരൻ ആശാൻ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ എതിർക്കുന്നു. ജന്മിക്കരം കൊടുക്കാതിരുന്നാൽ ആ കരത്തിനു ഹേതുവായ വസ്തു മാത്രമേ വില്ക്കാൻ പാടുള്ളു എന്നാണ് ഈ ഭേദഗതിയുടെ തത്വം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇതു ഗവൺമെന്റു പിരിക്കാൻ തുടങ്ങിയതിനുശേഷമാണ്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ ഗവൺമെന്റുകരം ഈടാക്കുന്നതു കരംകൊടുക്കേണ്ട ആളിൽനിന്നും ഏതെല്ലാം തരത്തിൽ ഈടാക്കാൻ സാധിക്കുമൊ ആ തരത്തിലെല്ലാം ഈടാക്കുന്നുണ്ട്. ഏതെല്ലാം വില്ക്കാമോ അതൊക്കെ വില്ക്കുന്നുമുണ്ട്. ജന്മിമാരെക്കാൾ കൂടുതൽ ശക്തിയും പ്രാഭവവുമുള്ള ഗവൺമെന്റിനു കിട്ടേണ്ടസംഖ്യ ഇങ്ങനെ ഈടാക്കാമെങ്കിൽ ഈ പാവപ്പെട്ട ജന്മിമാരുടെകരം ഈടാക്കുന്നതിൽ ഈ തടസ്ഥം പറയേണ്ട ആവശ്യമെന്താണ്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കരത്തിനു ഹേതുവായ വസ്തുവല്ലാതെ മററു വസ്തുക്കളും വില്ക്കാമെന്നുള്ള അധികാരം ഗവൺമെന്റിന് എന്നുമുതല്ക്കാണു കിട്ടിയതെന്നറിയാമൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): എനിക്കറിഞ്ഞുകൂട. ആരംഭത്തിൽ ഗവൺമെന്റു ജംഗമസാമാനങ്ങളും മററു വസ്തുക്കളും പിററുവരുന്നുണ്ട് എന്നറിയാം. ഏതുപ്പാടാണെങ്കിലും പണം കിട്ടേണ്ട ആളിന് അതീടാക്കേണ്ട സകലമാർഗ്ഗങ്ങളും ഉണ്ടാക്കിയിട്ടുണ്ട്. എ

ന്നാൽ ജന്മികരത്തിനാകട്ടെ അതൊന്നുമില്ല. ജന്മികരം ഈടാക്കുന്നതിനു ഹേതുവായ വസ്തുവിൽനിന്നും സാധിക്കാതെ വന്നാൽ ആ വസ്തു പോയിക്കൊള്ളട്ടെ എന്നാണു വിചാരിക്കുന്നതു്. ജന്മി നഷ്ടംസഹിക്കയും വേണം. എന്നാൽ ധാരാളം ആദായമുള്ള വസ്തുക്കളിൽനിന്നും കൂടുതൽ ഈടാക്കാമൊ; അതു പാടില്ലതാനും. ജന്മിക്കു് ഈടാകേണ്ട പണത്തിനു് ഏതു വസ്തുവിൽ നടപടി നടത്തിയാലും കുടിയാനു് ഒരു നഷ്ടവും വരാനില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : അതാതു വസ്തുവിന്റെ ആദായം നോക്കിയല്ലെ പാട്ടം നിശ്ചയിക്കുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അങ്ങനെയാണെന്നു ഞാൻ ഇപ്പോൾ പറയുന്നില്ല. പാട്ടം കൊടുത്തില്ലെങ്കിൽ ആ വസ്തു വിററു കൊള്ളണമെന്നാണു വ്യവസ്ഥ. എന്നാൽ പാട്ടം എന്നുള്ളതു കീഴ്ക്കട എടുത്ത ആദായത്തിനാണു്. അതിലേക്കു് ആ വസ്തുവിന്മേൽ തന്നെ പോയിക്കൊള്ളണമെന്നു പറയുന്നതു ശരിയല്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : റവന്യൂ റിക്കവറി റഗുലേഷൻ അനുസരിച്ചു് ഈടാക്കുമ്പോൾ ഒരു കൊല്ലത്തിലധികം കുടിശ്ശിഖ വരാറുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : കുടിശ്ശിഖ ഇതിലും അത്രയെ വരികയുള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : ജന്മികരത്തിനു ഹേതുവായ വസ്തു ജന്മിക്കുതന്നെ ലേലത്തിൽ പിടിക്കരുതൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ജന്മിക്കു് ഈടാകേണ്ട തുകയ്ക്കകത്തു ജന്മിക്കു സൗകര്യമുണ്ടെങ്കിൽ ലേലത്തിൽ പിടിക്കാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : ഒരു കൊല്ലത്തെ ജന്മികരം പോലും ഈടാക്കാൻ നിവൃത്തിയില്ലാത്ത കാണവസ്തുക്കളുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഉണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikaplli*) : അങ്ങനെയാണെങ്കിൽ ഈ വകുപ്പിരിക്കുന്നതുകൊണ്ടുള്ള ദോഷമെന്താണു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ജന്മിക്കു മററു വസ്തുക്കളിൽ നിന്നും കരം ഈടാക്കാമെന്നു വച്ചുകഴിഞ്ഞാലുള്ള ദോഷമെന്താണു്

[Mr. C. N. Tuppan Namputiripad.]

അതിനാൽ മററു വസ്തുക്കളിൽനിന്നുംകൂടി കരം ഈടാക്കാമെന്നു വ്യവസ്ഥയിരിക്കുന്നതു നിശ്ചിത സമയത്തു തന്നെ കരം ഈടാക്കുന്നതിന് എളുപ്പമായിരിക്കും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : അതെങ്ങനെയാണെന്നു മെമ്പർ ഒന്നു വിശദീകരിക്കണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : കരം കൊടുത്തില്ലെങ്കിൽ കരത്തിനു ഹേതുവായ സ്വത്തിനും പുറമേ മററുസ്വത്തുക്കളും പോയേക്കുമെന്നുള്ള ഭയംകൊണ്ടു നിശ്ചിത സമയത്തുതന്നെ കരം കൊണ്ടു കൊടുക്കും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : അങ്ങനെ കുടിയാനവൻ കരം കൊടുക്കാതെയിരിക്കുന്നതു കരത്തിനുള്ള ആദായം പോലും അതിൽനിന്നും കിട്ടാത്തതു കൊണ്ടല്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : സക്കാർ കരം ഈടായില്ലെങ്കിൽ ആ കരത്തിനുവേണ്ടി ജംഗമങ്ങളെ വിററും ഈടാക്കുന്നുണ്ടെന്നുള്ള സംഗതി സകലക്കും അറിയാം. അതിൽ നിന്നും ഒരു വ്യത്യസ്തം ജന്മിക്കരത്തെ സംബന്ധിച്ചു വരുത്തേണ്ട ആവശ്യമെന്താണ്?

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : ഈ ഭേദഗതി പാസായാലും ജംഗമങ്ങൾ വില്ക്കുന്നതിനു തടസ്ഥമില്ലെന്നു മെമ്പർക്കറിയാമൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അറിയാം.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*) : ഈ ഭേദഗതിയിൽ വസ്തു വില്പനയെ സംബന്ധിച്ചു മാത്രമെ പറയുന്നുള്ളു എന്നു മനസ്സിലായിട്ടുണ്ടൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഉണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ആ വസ്തു തിരിച്ചുകിട്ടുന്നതുകൊണ്ടു തൃപ്തിപ്പെടുന്നില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : വസ്തു തിരിച്ചു കിട്ടിയേക്കും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): വസ്തുവിൻെറ കാണം ജന്മിയുടെ കയ്യിൽ ഉണ്ട്. അതിനും പുറമെ വസ്തുവും തിരിച്ചു കിട്ടുകയില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : വസ്തു തിരിച്ചു കിട്ടണമെന്നു ഞങ്ങൾ ആവശ്യപ്പെടുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ ഭേദഗതികൊണ്ടു ജന്മിക്കുള്ള ദോഷമെന്താണ്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഇതു കൊണ്ടു കുടിയാനുള്ള രക്ഷയെന്താണ്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതു കുടിയാൻ മെമ്പർമാരോടു ചോദിച്ചു മനസ്സിലാക്കാം. ജന്മിമാൎക്കു ഇതുകൊണ്ടുള്ള ദോഷം മാത്രം പറഞ്ഞാൽമതി.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഈ വകുപ്പില്ലാതിരുന്നാൽ ജന്മിക്കരം കൊടുക്കുന്നതിൽ കൂടുതൽ ശുഷ്കാന്തി ഉണ്ടായിരിക്കുമെന്നുള്ളതാണു ജന്മിമാൎക്കുള്ള രക്ഷ. ജന്മിക്കരം കുടിയാന്റെ എല്ലാ ജംഗമസ്ഥാവരവസ്തുക്കളിൽ നിന്നും ഈടാക്കാമെന്നു വയ്ക്കുന്നതുകൊണ്ടു കുടിയാനു യാതൊരു ദോഷവുമുള്ളതായിട്ടു വിചാരിക്കുന്നില്ല. നേരെ മറിച്ചു ജന്മിക്കു ഗുണമുണ്ടു്. അതായതു കൊടുക്കേണ്ട ആളിനു കൊടുക്കുന്നതിൽ കൂടുതൽ ജാഗ്രതയുണ്ടാകും.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഇങ്ങനെ ഒരു വകുപ്പു പാസായാൽ ജന്മിക്കു് ഇന്ന ദോഷം വരുമെന്നു് ഉദാഹരണമായി പറയാൻ സാധിക്കുമൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ദോഷം വരുമെന്നുള്ള ഭയം തന്നെയാണ് ഇതിൽ പ്രധാനമായുള്ളതു്. ചില വസ്തുക്കൾ വിററാൽ അതിന്റെ കരം ഈടായില്ല എന്നുവരാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അങ്ങനെ ഈടാകാതെ വരുന്നതിനുള്ള കാരണമെന്താണ്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : പതിനായിരം രൂപായുടെ വസ്തു ലേലം ചെയ്യുമ്പോൾ ആയിരം രൂപായ്ക്കു പോകാറുണ്ടു്. എന്നാൽ അതു വസ്തുവിന്റെ വിലക്കുറവുകൊണ്ടല്ല; തല്ക്കാലം ലേലത്തിൽ പിടിക്കാനുള്ള സൌകൎയ്യക്കുറവുകൊണ്ടാണു ചുരുങ്ങിയവിലയ്ക്കു പോകുന്നതു്. അതുപോലെ സംഭവിച്ചു എന്നുവരാം.

MR. K. P. NILAKANTA PLLAI (*Chirayinkil*) : ജന്മിമാൎക്കുതന്നെ അതു ലേലത്തിൽ പിടിക്കരുതൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അവൎക്കു് ഈടാകേണ്ട പണത്തിനുൾപ്പെട്ടു പിടിക്കാം. എന്നാൽ ജന്മിമാൎക്കു് അതിന്റെ ആവശ്യമുണ്ടെന്നു വിചാരിക്കുന്നില്ല.

[Mr. C. N. Tuppan Namputiripad.]

ഇന്നു ഒരു വസ്തുവിനു ൧൦൦ രൂപാ ജന്മിക്കരവും അഞ്ചു രൂപാ സർക്കാർ കരവുമുണ്ടെന്നു വിചാരിക്ക. വസ്തു ആയിരം രൂപാ വിലയുള്ളതുമാണ്. അതു ലേലത്തിൽ വില്ക്കുമ്പോൾ കരം കൊടുക്കേണ്ടുന്ന ബാദ്ധ്യതപ്പെട്ടിരിക്കുന്ന ആളിന്റെ [illegible] രൂപയ്ക്കു ലേലത്തിൽ പിടിക്കും. കുടിയാനു ഇതിൽ നഷ്ടമില്ല. പേരു് ഒന്നുമാറി എന്നു മാത്രമേയുള്ളു. ഇതിൽ ജന്മിക്കു കിട്ടുന്നതെന്താണു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു കൊണ്ട് അടുത്തകൊല്ലത്തിൽ വരുന്ന ജന്മിക്കരത്തിനുള്ള അവകാശം നശിക്കയില്ലല്ലൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇങ്ങനെ എല്ലാകൊല്ലത്തിലും ലേലം മാത്രമേ നടക്കുകയുള്ളു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) അതു ജന്മിക്കുതന്നെ പിടിക്കാമല്ലൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിക്കു പിടിക്കാൻ സാധിക്കും. എന്നാൽ ആ സന്ദർഭത്തിൽ ജന്മി അവിടെ ഉണ്ടായിരിക്കുമൊ എന്നു പറയുവാൻ തരമില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): ജന്മിക്കു സ്വന്ത വസ്തുക്കളില്ല; അതു കിട്ടാൻ മാർഗ്ഗവുമില്ല. ഈ വകുപ്പനുസരിച്ചു സ്വന്ത വസ്തുക്കൾ ഉണ്ടാകുവാൻ സാധിക്കുകയില്ലല്ലൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മികൾക്കു വസ്തു കിട്ടണമെന്നുള്ള ആഗ്രഹമില്ല. കരം മാത്രം കിട്ടിയാൽമതി.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): പിരിക്കായ ലേലത്തിൽ പെടാതിരിക്കുക പരിഹാരം റെഗുലേഷനിൽ [illegible] ന്നിൽ ഉണ്ടല്ലൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): [illegible] ഉണ്ട്. ഇപ്പോൾ ഇതുകൊണ്ടു കുടിയാന് യാതൊരു സങ്കടത്തിനും നഷ്ടത്തിനും അവകാശമില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): കുടിയാനു നഷ്ടമില്ലെങ്കിൽ ലാഭമുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ലാഭവുമില്ല.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): റവന്യൂ റിക്കവറി [illegible] ൻ പ്രകാരം ജംഗമം ജപ്തി ചെയ്യാമൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ചെയ്യാം.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): അതു കൊണ്ടു കുടിയാനു സങ്കടമില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സർക്കാർ കരത്തിനു വേണ്ടി അങ്ങനെ ജപ്തി ചെയ്താൽ സങ്കടമില്ലാതിരിക്കുമ്പോൾ ജന്മികരത്തിനുവേണ്ടി ജപ്തി ചെയ്യുമ്പോൾ മാത്രം എന്തിനാണു സങ്കടം ഉണ്ടാകുന്നതു്?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): സർക്കാർ കരത്തിനുവേണ്ടി ജപ്തി ചെയ്യുന്നതിലും സങ്കടമുണ്ടെന്നു പറയാറില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): എന്നാൽ അതിൽ തന്നെ ഭേദഗതി ചെയ്യേണ്ടതായിരുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): സർക്കാർ കരത്തെ സംബന്ധിച്ചിടത്തോളം ഈ കൌൺസിലിൽ കൊണ്ടുവന്നു തീരുമാനം ചെയ്യാറുണ്ടു്. അതുപോലെ ഇതും ഇവിടെ കൊണ്ടുവന്നു തീരുമാനിക്കാമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതു ജന്മിയുടെ കൌൺസിലിൽ കൊണ്ടുവന്നു തീരുമാനിക്കാം.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): ജന്മിയുടെ കൌൺസിൽ സ്റ്റേറ്റ് കൌൺസിലാണോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അല്ല. ജന്മിയുടെ സ്വന്തം കൌൺസിലാണു.

MR. M. GOVINDAN (*Nominated*): എല്ലാ കുടിയാന്മാർക്കും അവിടെ പ്രവേശനം കൊടുക്കുമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): നിശ്ചയമായും കൊടുക്കാം.

ഇത്രയും പ്രസ്താവിച്ചുകൊണ്ടു മി. ദാമോദരൻ ആശാൻ കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതിയെ ഞാൻ എതിർത്തുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall explain the implications of the amendment as I have understood it. First of all the application of this amendment will arise only when a land is taken over by Government for the collection of jenmikaram. When it is taken over, it is not likely that there will be any arrears. So, year after year, the amount will be recovered when

[Mr. Kayalam Paramesvaran Pillai.]

it is a charge. And whether any other land will have to be sold for recovery will not arise in actual fact. The substantial effect however of the amendment, if carried, is this. Whether it is to the advantage or disadvantage of the Jenmies or the Kudiyans can be decided by the House. Suppose there is a piece of land of ten acres on which Rs. 100 is charged. If the whole of the 10 acres of land is washed away by sea, the kudiyan will still have to pay the dues. But it cannot be recovered by sale of laud because the land is not available. It is only in such cases that the question will arise. Ordinarily the question will not arise at all.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ജന്മവസ്തു മനഃപ്പൂർവം കുടിയാൻ നശിപ്പിക്കരുതോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ നശിപ്പിച്ചാലും ജന്മിക്കരം ഈടാക്കാതിരിക്കത്തക്ക വിധത്തിൽ നശിപ്പിക്കാൻപാടില്ല.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): മണ്ണെടുക്കുന്നതിനായി വല്ലകമ്പനിക്കും വസ്തുതീറെഴുതി കൊടുത്തു എന്നുവരാം. സ്വാഭാവികമായ കാരണങ്ങൾകൊണ്ടു വസ്തു നാശംവന്നാൽ അതിലേക്കുള്ള കരം ബാക്കിയുള്ള വസ്തുക്കളെ ബാധിക്കുന്നതല്ല എന്നു ചേർക്കുന്നതുകൊണ്ടു വിരോധമുണ്ടോ?

MR. KAYALAM PARAMESVARN PILLAI (*Additional Head Sirkar Vakil*): വിരോധമില്ല.

If it is the Jenmi's contention that a land can be so used by the Kudiyan that the result will be that the land will not be sufficient for the recovery of the money, then there is a point in the opposition by the Jenmies. I understand that position.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): പണ്ടാരപ്പാട്ടം ഭൂമി ഇങ്ങനെ മണ്ണെടുക്കുന്നതിനായി കൊടുത്താൽ ഉടമസ്ഥന്റെ മറ്റുവസ്തുക്കളിൽ നിന്നും കരം ഈടാക്കാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think, Sir, that the presumption is that in whatever way the land is used the Sirkar tax will be recovered out of the land.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But not in the case of any other land.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It can be recovered from other lands also. But, of course, it will be seen that, if a land is totally washed away, the Government will have to write off the tax. There is also *niruthal* or abandonment of the land. In such cases also, it may have to be written off. But that does not arise here. If what Mr. Tuppan Namputiripad says is true, then this amendment is against the interests of the Jenmies. As it stands, Sir, I oppose the amendment. I agree with Mr. Tuppan Namputiripad.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If that be so, could not the Jenmi obtain an injunction against the Kudiyan for committing this damage in order to deprive the Jenmi of the jenmikaram?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That may be available.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): Have not the earlier provisions taken away the right of the Jenmi?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What Mr. Asan suggests is that, if the Kudiyan, with a view to see that the Jenmi does not recover jenmikaram, commits waste on the property, then, may not a suit lie against him. That may lie.

ജന്മിക്കരത്തിനു ചാർജ്ജായിരിക്കുന്ന ഭൂമി മനപ്പൂർവമായി നശിപ്പിക്കാൻ പാടില്ല: സ്വാഭാവികമായി നാശം വന്നാൽ ജന്മിക്കരം പോയിക്കൊള്ളട്ടെ എന്നാണ് മി. രാമൻ നമ്പൂരിപ്പാട്ടു പറയുന്നത്. അതും ഇവിടെ ആലോചിക്കേണ്ട ഒരു വിഷയമാണ്.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Even if the land is so washed away, can the jenmivaram be reduced or interfered with according to the provisions already passed?

MR. KAYALAM PARAMESVARAN PILLAI (*Addiional Head Sirkar Vakil*): No, it cannot be.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): So, the damage on account of natural causes can be rectified only at the time of revision?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps, not even then.

MR. S. KRISHNA PILLAI (*Karunagapalli*) Was the michavaram a *first* charge under the old Regulation or was it only one of the charges?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); It was the second charge, next only to the Government tax, under the old Regulation.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I want to know what will be the effect of a revenue sale so far as encumbrances are concerned. So far as the encumbrances created by the tenant upon this land are concerned, how will they be affected by a revenue sale? Will they not be extinguished?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, all those will be extinguished.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is not the Jenmi now in a better position than under the previous Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Under the previous Regulation they had to be made parties to the suit.

MR. S. KRISHNA PILLAI (*Karunagapalli*). So, does not the Jenmi now get full rights over the properties without being put to any sort of trouble?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Are not the subsequent encumbrances defeated by the sale under the Revenue Recovery Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So also by the court sale.

MR S. KRISHNA PILLAI (*Karunagapalli*): Here, does not the Jenmi save a lot of time, labour and money by coming under this Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He does. But there is no fundamental difference between the present condition and the old condition. The difference is that under the old condition if there were subsequent encumbrancers they were made parties to the suit and the purchaser had a right to michavaram over the property.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was it not open to the purchaser to establish that that was a collusive claim?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He may say that it is a collusive suit.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Now, has not that right been taken away from the subsequent encumbrancer?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If you say that the revenue sale is a fraudulent sale, probably a suit will lie.

MR. S. KRISHNA PILLAI (*Karunagapalli*): My question is, has not the jenmom property now been made fully liable for the Jenmi's claim?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, as it was till now.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has no innovation been made on the liability of the land? Is not the land now in a better position in the court so far as the right of jenmi to enforce it is concerned?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a matter of opinion. Michavaram is a first charge under the existing Regulation and will continue to be a first charge next only to the Government tax.

MR. M. GOVINDAN (*Nominated*): Sir, I may be permitted to make a small amendment. The necessity for that has been disclosed during this discussion. In Mr. Asan's amendment, instead of the word "land" substitute the word "property." The word "land" will not mean that other movable property can be attached.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the necessity for it?

MR. M. GOVINDAN (*Nominated*): All movable property may be attached.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am agreeable to that amendment if the Chair gives him permission to move it.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): What is the movable type of land?

MR. M. GOVINDAN (*Nominated*). If the member will only read the amendment he will find that movables are attachable if the amendment is passed as it is.

MR. A. THANU PILLAI (*Trivandrum*): We were not able to hear Mr. Govindan. What is it that he wants?

MR. M. GOVINDAN (*Nominated*): If the amendment is passed as it is moved by Mr. Asan the movable property of the tenant may also be proceeded against. The intention of the mover of the amendment is that no other property should be attached. And, therefore, I propose to carry out his intention better by substituting the word "property" for the word "land" in his amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I think his amendment will convey the meaning better than mine.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A new principle is involved in the amendment. Under Mr. Asan's amendment, such land alone will come in as on which there is a charge. If the Jenmi members are agreeable to Mr. Govindan's amendment being discussed, that may be discussed. If they are not agreeable notice has to be given.

PRESIDENT: We will now adjourn until a quarter to three.

The House adjourned for lunch at 2·5 P. M. and re-assembled at 3 P. M., the Deputy President presiding.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): Sir, with regard to Mr Govindan's amendment, I rise to a point of order.

DEPUTY PRESIDENT: Have you anything to say by way of explanation, Mr. Govindan? As Mr. Kayalam Paramesvaran Pillai pointed out, it involves a different principle altogether. That is, it was on the basis that the land alone was affected that Mr. Asan's amendment proceeded. Now you want to include movable properties also. That should be taking the Jenmi members to surprise. The Law Member has pointed out the probability of an objection by the Jenmi members. I shall give my ruling after hearing you.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I want to know under which standing order the point of order is raised?

DEPUTY PRESIDENT: There is a prayer for suspending the ruling. A difficulty is pointed out and I am asking the mover of the amendment to explain his position.

MR. M. GOVINDAN (*Nominated*): I beg to state that the amendment standing against the name of Mr. Asan is:

> "No jenmikaram shall be recoverable under the provision of this chapter by the sale of any land except the land on which the jenmikaram is a charge."

It was understood by Mr. Asan himself that by referring to land he meant property and that movable property could be proceeded against. I understood him to say that his amendment was confined to property

[Mr. M. Govindan.]

and not to land alone and the whole discussion proceeded on that basis. I stood up only to make a probable alteration to effectuate the intention of the mover himself and he was prepared to accept it and I thought this House also was willing to accept my amendment on the assumption that it was nothing new. But I concede that "property" is a wider term than "land." But it was understood, as I said before, that Mr. Asan thought that no other property should be proceeded against except the land on which there was a charge. Under these circumstances I submit that my amendment may be allowed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether when the Jenmi member opposed it he also argued on this point and opposed the amendment?

DEPUTY PRESIDENT: I do not know whether you have a right to put him questions because he was saying all by way of explanation of his position. I do not think you are entitled to put him questions.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I can put questions at any time.

DEPUTY PRESIDENT: But it must be only with the permission of the Chair.

MR. M. GOVINDAN (*Nominated*): Mr. Asan has already stated to the House that he is agreeable to accept the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I also wish to make a statement. My Jenmi friend has raised a point of order that the amendment is out of order. Here, my friend does not contend that the amendment is out of order because paragraph 59 of the Legislative Council Manual says that such amendments cannot be accepted.

DEPUTY PRESIDENT: His contention is merely that he has no properly placed the amendment before the Council. I consider the fact is like that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): All that Mr. Govindan asks is for permission of the Chair to move the amendment.

DEPUTY PRESIDENT: That permission has not been granted. It rests with the Chair.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*). Then there is nothing out of order.

DEPUTY PRESIDENT: So far as this matter is concerned, if it is purely a verbal amendment, and if the sense of the House is the same, the arguments may be proceeded with. But it has been considered that the expression "land" could not be comprehensive enough to include all properties. As the Jenmi members would not be affected by the revised amendment of Mr. Govindan being proposed, the discussion may proceed.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, this amendment proposed by Mr. Asan is an amendment consequent upon some of the Sections proposed in this Regulation itself. It has been accepted as a principle governing this Bill that the jenmivaram or jenmikaram shall be the first charge on the land. Before this Regulation comes into force, as it stands now, under the old Regulation, several items of properties would be comprised in one and the same kanapattom document and all michavaram or jenmivaram dues and other dues due to the Jenmi would be a charge on all the holdings under the old Regulation. Under this enactment each item of property shall be subject to a charge for every separate jenmivaram due and it has been stated that where more than two items of property are comprised in the same document, jenmivaram on each of the items shall be charged on the proparty in the same proportion in which jenmipattom shall be chargeable on that property so much so that under this Regulation various items of properties which may be comprised under one and the same document are now supplanted by each item of property which shall be proportionately chargeable with the jenmivaram thereon. If this is the principle that is enunciated or acceptable under this Bill, hereafter one item of property which bore the jenmivaram shall be charged for that alone and under the Bill it is also stated that that shall be the first charge. Now the direct legal consequence of a statement that a charge on a land shall be the first charge on that land is the same under the Revenue Recovery Regulation under which this tax or jenmivaram is sought to be enforced. It has been expressly stated and also accepted that it shall be a charge only on the land on which it is made a charge. The legal consequence of that statement i that under the Revenue Recovery Regulation, lands of a defaulter i only the land on which it is a charge but other properties of a defaulter can also be proceeded against under this Regulation. But it is stated that when sales are conducted under the Revenue Recovery Regulation for those charges for which they are conducted or a charge on the land which is brought to sale, all prior encumbrances brought into existence on the property before the date of sale are thereby extinguished. But the rule which has been accepted in various decisions of our High Court relates only to the land on which it is a charge. Here Mr. Asan wants to introduce an amendment so far as the recovery of the jenmivaram due on a particular piece of land under the Regulation is concerned. He wants that that land alone shall be liable for that amount and my own submission is that the amendment is only quite reasonable because if another land is sought to be sold under the Revenue Recovery Regulation it is likely to be contended that these lands sold for the debt will have to be sold, free of all encumbrances. That is why it appears that Mr. Tuppan Namputhiripad stated that it will be an argument prejudicial to the interests of the Jenmies. We also find from the learned Law Member's observation that it is likely to affect the interests of the Jenmies to some extent. But my submission is that it is not at all going to affect the Jenmi's interest because the jenmikaram will have to be a charge separately on each piece of land and

[Mr. S. Krishna Pillai,]

it will be a first charge on that piece of land alone, and for the realisation of jenmivaram a particular item of property is sought to be sold under the Revenue Recovery Regulation. It is only in respect of that land that the Sirkar or the Jenmi will be entitled to sell the land free of all encumbrances or will be entitled to treat the land as having been sold free of all encumbrance. That is very clear under the Revenue Recovery Regulation.

At the time when Section 2 of that Regulation was discussed the expression "*on such land*" was sought to be introduced in that Section. The object of that innovation was clear, *viz.*, that the land on which the revenue was due shall be sold free of all encumbrances, and not any other land. Now, if that is the principle of the provision I do not understand why the Jenmi members should object to the present amendment. As Mr. Govindan's amendment has been disallowed, I think the present amendment of Mr. Asan should form part of the Bill for the reasons I have already submitted. If the land on which tax is due is the only land which can be sold free of all encumbrances, that is, the land on which the tax is the first charge, I submit that it is the only land that can be sold for the dues. Since Mr. Govindan's amendment with regard to the saving of the movables of the defaulter, has been thrown out, and since even movables can be proceeded against for arrears of dues, it is very necessary that this amendment of Mr. Asan is accepted. After all, it only seeks to remove certain confusions which otherwise are likely to arise. I therefore support the amendment.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): കുറച്ചുമുമ്പു് ഇവിടെ പാസാക്കിയ ൪൦-൧൦ വകുപ്പിൽ ജന്മിക്കരം പിരിയാതെവന്നാൽ ഏതു് അധികാരത്തിൻപേരിൽ ഗവണ്മെന്റു് അതു് നടത്താമെന്നു തീരുമാനിച്ചുവോ അതിനു വിപരീതമായിട്ടുള്ള ഒരു രീതിയിലേക്കു പോകുന്നതു ഭേദഗതി കൊണ്ടുവന്നിരിക്കുന്നതു് ആർഡറിലാണോ എന്നൊരു റൂളിംഗ് ഞാൻ ആവശ്യപ്പെടുന്നു. ആശാന്റെ ഭേദഗതി ൪൦. എഫ് വകുപ്പിനെപ്പററി റൂളിംഗ് വേണമെന്നു് ഞാൻ ആവശ്യപ്പെടുന്നു. സ്റ്റാൻറിംഗ് ആർഡർ ൨൪ ക്ലാസ് ൭.

DEPUTY PRESIDENT: സ്റ്റാൻറിംഗ് ആർഡർപ്രകാരം സ്വീകരിക്കുവാൻപാടില്ല എന്നാണോ പറയുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതെ.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): A point of order has been raised, Sir, and the Chair has to give a ruling on it.

DEPUTY PRESIDENT: It ought to have been raised at the time the amendment was moved and admitted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, a point of order can be raised at any time.

DEPUTY PRESIDENT: The amendment is already before the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): The Rule is that a point of order can be raised at any time.

DEPUTY PRESIDENT: Not in the case of amendments. Now, the amendment has been discussed. It is only during the course of the discussion that Mr. Raman Namputiripad states, as an additional argument that the amendment is against the Standing Orders. That is one of the grounds urged by him against the amendment. That is all.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have only a few words to submit in reply to the arguments advanced by Mr. Tuppan Namputiripad and the Law Member.

Sir, as Mr. S. Krishna Pillai pointed out, all that I seek by this amendment is to restrict the powers of the revenue authorities. They should not proceed against any land other than the one on which the tax is a charge. That is all that is sought to be done. Mr. Tuppan Namputiripad seems to think that, because Government have got wider powers to realise their dues, the Jenmies also should have the same powers. As I pointed out at the outset, the Jenmi members have repeatedly been complaining that the Kudiyans were enjoying the kanom properties for a song and that the Jenmies were getting only a small fraction of the yield from the properties. According to my amendment, when Government proceed to realise the Jenmies' dues they can proceed only against the land on which the dues are charged and not against any other property. Jenmikaram cannot be in arrears for more than one year. Certainly, it can never be argued that any kanom land would not fetch when sold even one year's jenmikaram. This one argument is enough to get this amendment passed.

Even with regard to Government, the right to proceed against any property owned by the defaulter was definitely given to Government only by a recent amendment of the Revenue Recovery Regulation, and the non-official side stoutly opposed it when it was being considered by this House.

Sir, we are not adopting any inconsistent attitude now. We are taking an attitude quite consistent with our attitude at the time the corresponding provision in the Revenue Recovery Regulation was considered by us. Further, there is absolutely no reason why private persons must get as much right as the Government get in such matters.

DEPUTY PRESIDENT: Mr. Asan, have you anything to say with reference to the objection raised by Mr. Raman Namputiripad against your amendment?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The point of order?

DEPUTY PRESIDENT: I do not consider it as a point of order, I view it as an argument against the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I have only to submit, with regard to that, that we are not now considering clause XX. These are all parts of the same clause. That clause has not yet been passed. That is my first point.

Secondly, the amendment is not inconsistent with any of the provisions that have already been passed. All that is attempted is to restrict, to some extent, the application of the provision contained in Section 40 F. I do not think that it is in any way inconsistent with the provisions already passed by this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have only to say, in addition to what I have already stated, that the matter does not appear to be of much practical consequence.

DEPUTY PRESIDENT: The amendment before the House is to insert the following as Section 40 N:

"No jenmikaram shall be recoverable under the provisions of this Chapter by the sale of any land except the land on which the jenmikaram is a charge."

The amendment was put to vote and carried.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I demand a poll.

A poll was taken and the House divided as follows:

AYES—28.

1	Mr.	Joseph Kunju	15	Mr.	M. N. Narayana Menon
2	,,	N. John Joseph.	16	,,	P. S. Mahomed
3	,,	K. P. Abraham	17	,,	M. Mahomed Mustapha.
4	,,	K. C. Chandi	18	,,	K. Narayanaperumal Nadar
5	,,	M. Govindan	19	,,	K. P. Nilakanta Pillai
6	,,	K. Gopalakrishna Pillai	20	,,	K. Padmanabha Panikkar
7	,,	S. Chattanatha Karayalar	21	,,	N. K. Krishna Pillai
8	,,	A. S. Damodaran Asan	22	,,	M. P. Madhavan Pillai
9	,,	K. C. Karunakaran	23	,,	K. P. Madhavan Pillai
10	,,	K. I. Kocheepan Mappillai	24	,,	K. Madhavan Pillai
11	,,	K. P. Kochukora Tarakan	25	,,	S. Krishna Pillai
12	,,	K. Krishnan Nayar	26	,,	K. Kunjukrishna Pillai
13	,,	E. V. Krishna Pillai	27	,,	A. Thanu Pillai
14	,,	A. Narayana Pillai	28	,,	R. S. Subramanya Pillai

NOES—17.

1 Mr. C. P. Bhattatiri	9 Mr. Kayalam Paramesvaran Pillai
2 ,, N. Raman Namputiripad	10 Rao Sahib Dr. N. Kunjan Pillai
3 ,, Rama Varma Raja	11 Mr. S. C. H. Robinson
4 ,, C. N. Tuppan Namputiripad	12 ,, R. Dhanukoti Pillai
5 ,, K. George.	13 ,, N. K. Padmanabha Pillai
6 ,, A. Kumara Pillai.	14 ,, B. Narayana Pillai
7 ,, C. N. Srirenganatha Sastri	15 ,, N. Nilakanta Pillai
8 ,, R. Nilakanta Pillai	16 ,, J. S. Westerdale
	17 ,, E. G. McAlpine

NEUTRALS—Nil.

The amendment was declared carried 28 voting *for* the amendment, 17 *against* and none remaining *neutral*.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : ഇടയ്ക്കു് എനിക്കു ഒരു അമൻഡ്മെൻറു് ഉണ്ടായിരുന്നു; അതു ഞാൻ അവതരിപ്പിച്ചില്ല. ഇപ്പോൾ ഞാൻ അതിനെ അവതരിപ്പിക്കുന്നു. ൪൦. ഇ. ൨.

ജന്മിക്കരമോ സർക്കാർകരമോ ഈടാക്കുന്നതിന് ഏതെങ്കിലും ജന്മവസ്തുവിനെ ലേലത്തിൽ വില്ക്കുമ്പോൾ ജന്മിക്കു നോട്ടീസ് കൊടുക്കേണ്ടതും ജന്മിക്കരത്തിനുള്ള തുകയേക്കാൾ കൂടുതലായി ലേലംവിളിക്കേൾക്കാൻ ആരും ഇല്ലാതിരുന്നാൽ ജന്മിഹാജരുണ്ടായിരുന്നാലും ഇല്ലെങ്കിലും ജന്മിയുടെപേൎക്കു് സ്ഥിരപ്പെടുത്തികൊടുക്കണമെന്നു് ഉള്ള ഭേദഗതിയെ ഇവിടെഅവതരിപ്പിച്ചുകൊള്ളുന്നു. ഈ ഭേദഗതിയെ ഇവിടെ അവതരിപ്പിക്കാനുള്ള പ്രധാനകാരണം ഇതാണ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The amendment that Mr. Tuppan Namputiripad is next going to move is amendment No· 40 (E) (2) at page 2 of the Amendment paper. 40 A, B, C, D, and E (1), he is not moving as they are covered by the Sections already passed. He now wants to insert the provision, printed as 40 E (2) in page 9 of the Amendment paper, as 40 O. The provision is

> "40 (O). When jenmom land is auctioned for arrears of tax due to the Government or for arrears of the jenmikaram auction notice shall be served on the Jenmi as well and when the bid amount does not exceed the arrears, the auction shall be confirmed in the name of the Jenmi for that amount, whether he is present or not."

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmi s*): ജന്മിക്കരത്തിനുവേണ്ടി വസ്തു ലേലംചെയ്യാൻ നിശ്ചയിക്കുമ്പോൾ സാധാരണ നോട്ടീസ് കൊടുക്കുന്ന പതിവുണ്ടെങ്കിലും ജന്മിക്കു മിക്കവാറും നോട്ടീസ് കൊടുക്കാതെയാണു ലേലം നടന്നുവരുന്നതു്. എന്നാൽ നോട്ടീസ് നടത്തിഎന്നുള്ള രേഖ ഉണ്ടാക്കുന്നുണ്ടു്. കോട്ടയം താലൂക്കിൽ രമസിക്കുന്നജന്മിക്കു തോവാളതാലൂക്കിൽ വസ്തുക്കൾഉണ്ടു് എന്നിരുന്നാൽ

[Mr. C. N. Tuppan Namputiripad.]

ജന്മിഅറിയാതെ നടപടികളെല്ലാം നടത്തി വസ്തുവിനെ ലേലത്തിൽവില്പിക്കാൻ സാധിക്കുന്നതാണ്. ആരുരൂപാ ജന്മിക്കരവും അഞ്ചുരൂപാ ഗവൺമെൻറുകരവും ഉണ്ട് എന്നുവിചാരിക്കുക: ഏതു രൂപായ്ക്കാണ് ആവസ്തു ലേലത്തിൽപോകുന്നത്. കൂടുതൽതുകക്കു ലേലംവിളിക്കാൻ ആളില്ലാതെവരുന്നപക്ഷം ജന്മിക്കു ജന്മിക്കരം ഒരിക്കലുംഇനി ടാകാത്തനിലയിൽ ആയിത്തീരുന്നു. കുടിയാന് അതുകൊണ്ടു സങ്കടമോ നഷ്ടമോ ഒന്നുംതന്നെഇല്ല. കരംകൊടുക്കേണ്ടയാൾ അതു കൊടുക്കാതിരുന്നതുകൊണ്ടാണു വസ്തുലേലത്തിൽ വന്നത്. കുറഞ്ഞതുകക്കു അന്യൻവസ്തുകൊണ്ടുപോകുന്നു. ജന്മിക്കു വസ്തുവില്ല. ജന്മിക്കരത്തെക്കാൾ കൂടിയതുകക്കു അന്യൻലേലത്തിൽ പിടിച്ചുഎങ്കിലും തരക്കേടില്ലായിരുന്നു. അതിനാൽ കുറഞ്ഞ തുകക്കു അന്യൻ വസ്തുകൊണ്ടുപോകാതിരിക്കുന്നതിനു ജന്മിയുടെപേൎക്കു ലേലം സ്ഥിരപ്പെടുത്തണമെന്നാണ് എൻെറ അഭിപ്രായം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ജന്മിഉണ്ടെങ്കിലും ഇല്ലെങ്കിലും ജന്മിയുടെപേൎക്കു സ്ഥിരപ്പെടുത്തണമെന്നാണോ പറയുന്നത്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അതെ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): തൻെറപേൎക്കു സ്ഥിരപ്പെടുത്തരുതെന്നു ജന്മി എഴുതിഅയച്ചാലും ജന്മിയുടെപേൎക്കു സ്ഥിരപ്പെടുത്തണമെന്നാണൊ അഭിപ്രായം?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ജന്മി അങ്ങനെഎഴുതിഅയക്കുകയില്ല. ചട്ടത്തിൽ അങ്ങനെ നിർബന്ധമാക്കണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ജന്മിക്കരത്തെക്കാൾ കുറഞ്ഞ തുകയ്ക്കു വസ്തു പോകരുതെന്നാണോ മെമ്പർആഗ്രഹിക്കുന്നതു?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അതിനെ ഉദ്ദേശിച്ചിട്ടില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അങ്ങനെ പോകുകയാണെങ്കിൽ ജന്മിക്കു കിട്ടണമെന്നാണോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmiess*): അതെ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): എന്നാൽ അങ്ങനെ പറഞ്ഞാൽപോരെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മിക്കെ കിട്ടാൻ പാടുള്ളു എന്നില്ല. വസ്തു ലേലംചെയ്യുമ്പോൾ കരത്തിനു ഹേതുവായ ആളിനു നോട്ടീസ്കൊടുക്കണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കരത്തിനു ഹേതുവായതും എന്നുവച്ചാൽ ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സംഖ്യകിട്ടേണ്ട ആളെ ഇന്നസമയത്തു വസ്തു ലേലംചെയ്യുന്നു എന്നു തെര്യപ്പെടുത്തണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇതു ജന്മിയുടെ ആവശ്യമനുസരിച്ചാണൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): നോട്ടീസ് അയക്കുന്നതിനുള്ള ചിലവ് ആരുസഹിക്കും?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കരംകൊടുക്കാതിരിക്കുന്നആൾ അതിന്റെ ചിലവുസഹിക്കണം.

MR. S. CHATTANATHA KARAYALAR (*Shenkotta*): ലേലത്തിൽ എല്ലാം പോക്കും ചേരാമെല്ലൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ചേരാം.

MR. S. CHATTANATHA KARAYALAR (*Shenkotta*): ജന്മിക്കരത്തോളം വരുന്നസംഖ്യക്കു മാത്രമേ ആ വസ്തുവിനു വിലയുള്ളു എങ്കിൽ എന്തു ചെയ്യണം ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതിൽ കൂടുതലുണ്ടെങ്കിൽ എന്തുചെയ്യും? അമെൻറുമെൻറ് അങ്ങിനെയാണ്.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): വസ്തുവിനെ ലേലം ചെയ്യുമ്പോൾ ജന്മിക്കരം എത്രയുണ്ടൊ അതിനെ ആദ്യസംഖ്യയായി വിളികേൾക്കാൻ സമ്മതമുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെഅല്ല. ജന്മിക്കരം നൂറുരൂപാ ഉണ്ടെങ്കിൽ പത്തുരൂപാക്കാണു ലേലത്തിൽ പോകുന്നതു്. അങ്ങനെവരുമ്പോൾ ജന്മിക്കു സ്ഥിരപ്പെടുത്തണമെന്നേയുള്ളു.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ജന്മിക്കരത്തിന്റെ തുകവരെ അന്യനു കിട്ടാൻപാടില്ല എന്നാണൊ വിചാരിക്കുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ലേലക്കാരൻ അന്യനായാൽ ജന്മിക്കരം ആണ്ടുതോറും ഈടാക്കിക്കൂടെ?

MR. C. N. TUPPAN NAMPUIRTIPAD (*Jenmies*): അടുത്തകൊല്ലത്തെ ജന്മിക്കരത്തിനുവേണ്ടി അടുത്തകൊല്ലം ഈ വസ്തുപിടിക്കുന്നആൾ ൧൦൦ രൂപാ ഉത്തരവാദം ചെയ്യേണ്ടിവരും.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): കുറഞ്ഞ തുകക്കു ജന്മിക്കു് ലേലത്തിൽ പിടിക്കാമെന്നു് ഒരു നിയമം ഉണ്ടാക്കിവച്ചാൽ ലേലംപിടിക്കാൻ ആരെങ്കിലും വരുമൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ആരും വരാതിരിക്കുമെന്നു വിചാരിക്കുന്നില്ല. ജന്മിക്കരവും സർക്കാർകരവും നീക്കി ബാക്കി സംഖ്യക്കു ലേലത്തിൽപിടിക്കാൻ സമ്മതമുള്ളവർ വരും.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*). കൂട്ടൽതുകക്കു ലേലം സ്ഥിരപ്പെടുത്താനുള്ള സൌകര്യം ഉണ്ടെങ്കിലല്ലെ ലേലംകൂട്ടാൻ ആരും വരികയുള്ളു?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ. എന്നാൽ കുറഞ്ഞതുകക്കു് അന്യൻ വസ്തുകൊണ്ടുപോകും. അങ്ങനെ വരാതിരിക്കാനാണു് ഈവിധത്തിൽ സ്ഥിരപ്പെടുത്തിക്കൊടുക്കണമെന്നു പറയുന്നതു്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): അങ്ങനെ ഒരുനിയമം പാസാക്കിയാൽ കുടിസ്സിഖക്കു താഴ്ന്നതുകയ്ക്കല്ലെ ആളുകൾ ലേലം പിടിക്കുകയുള്ളു?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കൂടുതലായിട്ടുള്ള തുകക്കു ലേലംവിളികേൾക്കുകയില്ല എന്നു ഞാൻവിചാരിക്കുന്നില്ല. പിടിക്കാൻതയ്യാറുള്ളവർ നിശ്ചയമായും വരും.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*). ആവശ്യമുള്ള തുകയെക്കാൾ വളരെകുറവായവിലയെ ആ വസ്തുവിനു കിട്ടുകയുള്ളു എങ്കിൽ വസ്തു ആരു ലേലത്തിൽ പിടിക്കും?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): വസ്തുവിനു പ്രിയമുണ്ടെങ്കിൽ ആരും ലേലത്തിൽ പിടിക്കാൻവരും.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ലേലം വിളിക്കുന്ന തീയതിയല്ലെ ലേലം സ്ഥിരപ്പെടുത്തേണ്ടതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സർക്കാരിൽനിന്നും ഇപ്പോൾ ലേലം നടത്തിവരുന്നമാതിരി ലേലം സ്ഥിരപ്പെടുത്തിയാൽ മതി.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ലേലം വിളികേൾക്കുന്നദിവസം എന്തെങ്കിലും സംഖ്യ കെട്ടിവയ്ക്കേണ്ടതായിട്ടുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഉണ്ടു്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ലേലം പിടിക്കുന്ന ആളിനു് അതു വിഷമമായി വരികയില്ലെ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): കരക്കടിസ്സിഖകൾ ലേലം ചെയ്യുന്നതു വസ്തുക്കളായിട്ടാണെന്നറിയാമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അറിയാം.

MR. S. KRISHNA PILLAI (*Karunagapalli*): അങ്ങനെയുള്ള ലേലം കൂടുതൽ തുകക്കു വിളിക്കുന്ന ആളിന്റെ പേരിൽ സ്ഥിരപ്പെടുത്തിക്കൊടുക്കണമെന്ന നിബന്ധനയുള്ളതായി അറിയാമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അറിയാം.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഈ റഗുലേഷൻ അനുസരിച്ച ലേലംനടത്തണമെന്ന ർ ം എഫ് പാസാക്കിയശേഷം അങ്ങനെ പാടില്ല, പബ്ലിക്ക് ആക്ഷൻ പാടില്ല, വേറെനടത്തണമെന്ന് പറയുന്നതുശരിയാണൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഗവണ്മെന്റ് കരത്തിന് ലേലംചെയ്യുന്നതനുസരിച്ച് ഇതും ലേലംചെയ്യണമെന്നെയുള്ളു.

MR. S. KRISHNA PILLAI (*Karunagapalli*): അങ്ങനെ ചെയ്യുന്നതു മൂന്നാംവകുപ്പിൽ രണ്ടിൽ മൂന്നാംപിരിവിൻപ്രകാരം പബ്ലിക്ക് ആക്ഷൻഅനുസരിച്ച് ആയിരിക്കണമെന്നുണ്ട്. അതു കൂടുതൽതുകക്കു ലേലംവിളിക്കുന്ന ആളിന്റെ പേക്കു സ്ഥിരപ്പെടുത്തിക്കൊടുക്കണമെന്നാണ്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കൂടുതൽ തുകക്കു വിളിച്ചാൽ അയാളിന്റെ പേക്കു സ്ഥിരപ്പെടുത്താൻ പാടില്ല എന്നല്ല ഭേദഗതിയിരിക്കുന്നതു്. കൂടുതൽ തുകക്ക് ആക്കും ലേലത്തിൽ വിളിക്കാം. അതിനെ ഞാൻതടഞ്ഞില്ല. കൂടുതൽ തുകക്ക് ആരും വിളിക്കാൻ ഇല്ലാതിരുന്നാൽ—ജന്മിക്കരത്തിനു മേൽവരുന്ന ഒരുതുകക്കു ലേലംവിളിക്കാൻ ആളില്ലെങ്കിൽ—ജന്മിയുടെപേക്കു സ്ഥിരപ്പെടുത്തണമെന്നുമാത്രമേ ഞാൻ പറയുന്നുള്ളു.

MR. A. NARAYANA PILLAI (*Vaikam*): ജന്മിക്കരത്തിനു മേൽവരുന്ന ഒരു തുകക്കു ലേലംവിളിക്കാതെ കുറഞ്ഞതുകക്കു വിളിക്കുന്നു എങ്കിൽ ആ ലേലം വിളികേട്ടആളിനു സ്ഥിരപ്പെടുത്തിക്കൊടുക്കേണ്ട എന്നാണൊ മെമ്പറിന്റെ അഭിപ്രായം?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ, ജന്മിക്കരത്തിൽ കൂടുതലുണ്ടെങ്കിലെ അന്യനു സ്ഥിരപ്പെടുത്തിക്കൊടുക്കാൻ പാടുള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ജന്മിക്കരത്തിൽ കുറഞ്ഞൊരു സംഖ്യക്ക് അന്യൻ ലേലംവിളിക്കുകയാണെങ്കിൽ അതിൽകൂടിയ ഒരു സംഖ്യക്ക ജന്മിയുടെപേൎക്കു സ്ഥിരപ്പെടുത്തിക്കൊടുത്താൽ അതിനെ സ്വീകരിക്കുവാൻ തയ്യാറാണോ? അതല്ല പരസ്യമായി ലേലത്തിൽപിടിച്ച ആളിനു സ്ഥിരപ്പെടുത്തികൊടുക്കുവാൻ പാടില്ലഎന്നാണോ പറയുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കൂടുതൽ തുകകൾ ജന്മിയുടെമേൽ സ്ഥിരപ്പെടുത്തേണ്ട. നൂറുരൂപയാണു കിട്ടേണ്ടസംഖ്യ എങ്കിൽ അതുവരെയുള്ളതുകകൾ സ്ഥിരപ്പെടുത്തി കൊടുക്കുന്നതുകൊണ്ടുവിരോധമില്ല.

MR. A. NARAYANA PILLAI (*Vaikam*): എത്ര രൂപായാണെന്നാണു സ്ഥിരപ്പെടുത്തേണ്ടതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ലേലം വിളിക്കുന്ന സംഖ്യയുടെ ക്രമമനുസരിച്ച സ്ഥിരപ്പെടുത്തിയാൽ മതി.

MR. A. NARAYANA PILLAI (*Vaikam*): ജന്മിക്കരത്തിൽ താഴ്ന്ന ഒരുസംഖ്യക്ക ജന്മിയില്ലാതെ ജന്മിയുടെപേൎക്കു സ്ഥിരപ്പെടുത്തിക്കൊടുക്കുന്നതിനുള്ള അധികാരം ആൎക്കാണു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): റവന്യൂ ഉദ്യോഗസ്ഥന്മാൎക്കുതന്നെ. പത്തുരൂപായ്ക്കാണു് അന്യൻ ലേലം വിളിക്കുന്നുഎങ്കിൽ ജന്മിയുടെപേൎക്കു പത്തുരൂപാ ഒരുചക്രം എന്നു ലേലത്തുക കൂട്ടിസ്ഥിരപ്പെടുത്തേണ്ടതാണു്.

MR. A. NARAYANA PILLAI (*Vaikam*): ഇതിൽ ജന്മിക്ക് അഭിപ്രായവ്യത്യാസം ഉണ്ടാകുകയില്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെ അഭിപ്രായവ്യത്യാസം വരാൻഇടയില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ജന്മിക്ക്അതുകൊണ്ടുള്ള രക്ഷഎന്താണു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതുകൊണ്ടു കുടിയാനു ദോഷവുമില്ല.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ അമൻഡമെൻറിന്റെ സാരം ജന്മിക്കരത്തിന്റെ മുതലോളമുള്ള സംഖ്യക്ക സ്ഥിരപ്പെടുത്തിക്കൊടുക്കണമെന്നാണു്. നൂറുരൂപാ കുടിശ്ശിഖ ഉണ്ടെങ്കിൽ ൫൦ രൂപാക്ക ലേലംവിളിക്കെട്ട എന്നിരിക്കട്ടെ, ബാക്കി ൫൦ രൂപാ എങ്ങിനെ ഈടാക്കണമെന്നാണു് പറയുന്നതു?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ബാക്കിസംഖ്യ മററു വസ്തുക്കളിൽ നിന്നും ഈടാക്കണം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിയുടെപേക്‍ സ്ഥിരപ്പെടുത്തുമ്പോഠം ജന്മി വീട്ടിലിരിക്ക കയാണെങ്കിൽ സക്കാർകരം എങ്ങിനെകിട്ടും?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സക്കാർകരംനീക്കി യാണ് എന്റെ അമൻറുമെൻറു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ജന്മിക്ക നോട്ടീസുകൊടുത്താലും നോട്ടീസ് നടത്തിയിട്ടില്ലെന്നു ജന്മിത ക്കിക്കുകയാണെങ്കിൽ ആ ലേലം അസാധുവാണൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അല്ല. ലേലംസ്ഥി രപ്പെടുത്തിക്കൊടുക്കാവുന്നതാണ്.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഞാൻ ഈഭേദഗ തിയെ പിൻതാങ്ങുന്നു. ജന്മിക്കരത്തിന്റെ ബാധ്യത ജന്മവസ്തുവിൽമാ ത്രമാക്കിയുള്ള വ്യവസ്ഥ ഇവിടെ പാസാക്കിക്കഴിഞ്ഞു. ജന്മവസ്തുക്കളിൽ നിന്നു ജന്മിക്കരം പിരിഞ്ഞില്ലെങ്കിൽ ആ വസ്തു ജന്മിക്ക കിട്ടണമെന്നു ള്ളഒരു തത്വമാണ് ഈഭേദഗതിയിൽ അടങ്ങിയിരിക്കുന്നത്. ഈ ഭേദഗതി അയച്ചിരുന്നതിനെ സ്വല്പം വ്യത്യാസപ്പെടുത്തിയിട്ടുണ്ട്.

DEPUTY PRESIDENT: Do you want the expression "for that amount" to mean "the bid amount" and "not for the whole amount"?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതെ.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): അതുനിമിത്തം ജന്മിമാക്ക് ഉപദ്രവമുണ്ടാകുകയില്ലെ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ജന്മിക്കരത്തിൽകുറവായി ലേലത്തിൽപോയാൽ അതാണ് ഉപദ്രവമുണ്ടാക്കുന്നത്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): മനസ്സുണ്ടെങ്കിലും ഇല്ലെങ്കിലും വസ്തുജന്മിയുടെപേക്കാകുന്നു. പിന്നെ സ ക്കാർ കരംകുടിശ്ശിഖകിടക്കുകയും അതു് ആവസ്തുവിൽ നില്ക്കാതിരിക്കയും ചെയ്യുന്നുഎങ്കിൽ അതു വേറെവസ്തുക്കളിൽ നിന്നല്ലെ ഈടാക്കേണ്ടിയി രിക്കുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ജന്മിക്കരം ഈടാകാതി രിക്കെ ജന്മിക്ക വേറെയാതൊന്നും കിട്ടാനില്ലാത്തതിനാൻ ആവസ്തു സ്വാഭാവികമായി ജന്മിക്കുതന്നെ വേണമെന്നാണു പറയുന്നതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): കുടിശിഖ കരംകൂടി ജന്മിക്ക് ഏല്ക്കാമെന്നാണൊ പറയുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അങ്ങിനെ ചെയ്യുന്നതിനു തരക്കേടില്ല. പക്ഷെ കുടിയാനിലുംകൂടി ആ ഭാരം ചുമത്തേണ്ടതാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): കുടിശിഖയും ആവസ്തുവിൽനിന്നുതന്നെ കിട്ടേണ്ടതല്ലേ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ബാക്കിഉണ്ടെങ്കിൽ അതുകുടിയാനിൽനിന്നും ഈടാക്കാവുന്നതാണ്. ജന്മിയുടെ പ്രാഥമികാവകാശം വച്ചുകൊണ്ടിരിക്കുന്നതിൽ കുടിയാന് എന്താണ് നഷ്ടം?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): ഈനിലക്കു് നൂറുരൂപാ ജന്മിക്കരം ഈടാകാൻ ഉണ്ടെന്നിരുന്നാൽ ൯൰൯. രൂപാവരെ അന്യൻ കൂട്ടാൻപാടില്ലേ? അടുത്തു് നൂറുരൂപയായി ജന്മിപിടിച്ചുകൊള്ളും.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അങ്ങനെ ആയിക്കൊള്ളട്ടെ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നൂറുരൂപാ തുകവച്ച് ജന്മിതന്നെ ലേലംപിടിച്ചുകൊള്ളുമെന്നു വിചാരിച്ച് അന്യൻ മനഃപൂർവ്വമായി ൯൰൯. രൂപാവരെ കൂട്ടാൻ സൗകര്യം കിട്ടുന്നില്ലേ? അതുകൊണ്ടു ലേലം ആക്കും നിർഭയമായി വിളിക്കാൻ പാടില്ലേ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): സ്വാഭാവികമായി ഉള്ള ഒരുസംഗതിക്കു് പ്രത്യേകമായി ഒരുപ്രൊവിഷൻ വയ്ക്കേണ്ടയാവശ്യമില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I would have been in a much better position to tackle this question, if I heard the views of the non-Jenmies in this House. From the observations till now made by the Jenmies, what I feel is this: If the amendment had been to the effect that Jenmies are prepared to take up the land for arrears of jenmikaram for which the land is being sold, I should have been happy to accept the amendment and perhaps all the non-Jenmi members also would have accepted it. The reasons are these: Jenmikaram is to be collected by Government. Land is to be sold in auction. Jenmies have to be paid the karam due as well as interest on the karam. Now the amendment is that a jenmi is to be given the land for the bid amount only. It may be more, or less, than the jenmikaram and interest due to him. Then, why should he be given any consideration. A jenmi is a person who is far away and who is not interested in the land. He should not be given that consideration, to attach the other properties of kudiyans if some particular land does not fetch the required dues to jenmies.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Co-opted*): ഞാൻ ഈഭേദഗതിയെ വോട്ടിനിടണമെന്നു് അഭിപ്രായപ്പെടുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to add.

DEPUTY PRESIDENT: The amendment before the House is as follows:—Insert the following after Section 40

" When jenmom land is sold for jenmikaram under the provisions of this clause, notice shall be issued to the Jenmi as well and when the bid amount at the sale does not exceed the jenmikaram the sale shall be confirmed in the name of the Jenmi for that amount whether he is present or not."

The amendment was put to vote and lost.

MR. N. RAMAN NAMPUTIRIPAD (*co-opted*): I demand a poll.

A poll was taken with the following result.

AYES 3.

1. Mr. C. N. Tuppan Namputiripad.
2. Mr. N. Raman Namputiripad
3. Mr. C. P. Bhattatiri

NOES 40.

1. Mr. K. P. Abraham.
2. ,, Joseph Kunju.
3. ,, N. John Joseph.
4. ,, K. Gopalakrishna Pillai
5. ,, K. C. Chandi.
6. ,, S. Chattanatha Karayalar.
7. ,, A. S. Damodaran Asan.
8. ,, K. C. Karunakaran.
9. ,, K. I. Kocheeppan Mappillai.
10. ,, K. P. Kochukora Tarakan.
11. ,, K. Krishnan Nayar.
12. ,, E. V. Krishna Pillai.
13. ,, A. Narayana Pillai.
14. ,, M. N. Narayana Menon.
15. ,, M. Mahomed Mustapha
16. ,, K. P. Nilakanta Pillai.
17. ,, K. Padmanabha Panikkar.
18. ,, N. K. Krishna Pillai.
19. ,, M. P. Madhavan Pillai.
20. ,, K. P. Madhavan Pillai.
21. Mr. K. Madhavan Pillai.
22. ,, Rama Varma Raja.
23. ,, R. S. Subrahmanya Pillai.
24. ,, A. Thanu Pillai.
25. ,, S. Krishna Pillai.
26. ,, Tariatu Kunjitomman
27. ,, K. Kunjukrishna Pillai
28. ,, Kayalam Paramesvaran Pillai.
29. ,, R. Nilakanta Pillai.
30. ,, C. N. Sriranganatha Sastri.
31. ,, A. Kumara Pillai.
32. ,, K. George.
33. Rao Sahib Dr. N. Kunjan Pillai.
34. Mr. S. C. H. Robinson.
35. ,, R. Dhanukoti Pillai
36. ,, N. K. Padmanabha Pillai.
37. ,, B. Narayana Pillai.
38. ,, N. Nilakanta Pillai.
39. ,, J. S. Westerdale.
40. ,, E. G. McAlpine.

NEUTRAL 1.

1. Mr. P. S. Mahomed.

The amendment was declared lost 3 voting *for* the amendment, 40 *against* and one remaining *neutral*.

The following amendments were not moved:

MR. C. N. TUPPAN NAMPUTIRIPAD:

40 (*e*) (3) Jenmikaram shall not be paid in kind, but shall be paid in money according to Section 46.

(40) (*f*) The jenmikaram collected shall be paid to the respective Jenmies, after deducting therefrom the expenses incurred from time to time, but which shall never exceed 2 per cent.

Explanation: (1) if interest has been collected, it shall be given to the Jenmi, after deducting therefrom the expenses as aforesaid.

(2) The Jenmi shall not be entitled to the costs recovered on account of any processes taken for any recovery of any jenmikaram.

(3) The Government shall be liable to pay only the jenmikaram and interest realised.

40 (*g*) The liability to pay the jenmikaram shall not cease in any way, except under Section 40 (*e*), and the Jenmi shall not be entitled to sue the tenant for the jenmikaram.

40 (*h*) When jenmam right and kanom right vest in the same person, that holding shall be exempted from the provisions of this Regulation.

40 (*i*) Government may, at their discretion include in the Register, prepared after the next and the future General Revenue Settlement, the particulars in the Jenmi Register and after Notification in the Gazette, it shall be Jenmi Register as well.

40 (*j*) No action shall lie against Our Government or officers by reason of any decision in regard to jenmikaram, or of the preparation of the jenmi Register or of the collection or payment of the jenmikaram.

(2) Nothing mentioned in sub-section (1) shall be a bar to any person, aggrieved at the preparation of the jenmi Register or the collection or payment of the jenmikaram, to claim redress through the civil court.

40 (*k*) Government shall have power to make the necessary rules for carrying out the purposes of this Chapter.

The question that the substituted Clause XX do form part of the Bill was then put and carried.

CLAUSE XX A.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that a new clause, Clause XX A be inserted in the Bill. The proposed Clause XX A reads as follows:

"After Chapter IV (inserted by Clause XX) and above Section 41 of the said Regulation, the following shall be inserted as a heading, namely—

'Chapter V—Miscellaneous.'"

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was carried and Clause XXA added to the Bill.

The following amendment was not moved:

MR. K. KRISHNAN NAYAR:

Section 42 of the Regulation:

Insert the words and figures:

"and before the first day of Makaram 1072"; and "which" and after the word "redemption" add the words and figures "unless they are irredeemable under the Royal Proclamation of the 25th Karkatakam 1042".

CLAUSE XXI.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move the following amendment:

Insert the words "or by Our Government" after the word "jenmi" occurring in the portion proposed to be substituted.

This amendment relates to the existing Section 44 of the Regulation which reads thus:

"Notwithstanding anything contained in the foregoing, *the provisions of this Regulation shall not apply to* any Kudiyan, who or whose predecessor in interest has held his holding for more than 50 years preceding the date of this Regulation, without paying michavaram and other dues or without taking any renewal within the said period of 50 years".

The Section as amended by the Bill would be as follows:

"Notwithstanding anything contained in the foregoing, *no jenmikaram shall be recoverable by any Jenmi from* any Kudiyan, who or whose predecessor" etc.

The Section, with the amendment I now propose to be incorporated, will read thus:

"Notwithstanding anything contained in the foregoing, no jenmikaram shall be recoverable by any Jenmi *or by Our Government* from any Kudiyan who or whose predecessor" etc.

It is practically only a drafting amendment which is necessitated by the introduction of the proposed Chapter IV.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was carried.

The following amendments were not moved:

MR. A. S. DAMODARAN ASAN: Section 44 (of the existing Regulation) Omit the second para.

MR. K. KRISHNAN NAYAR: Section 44:
Omit the words:
"Preceding the date of this Regulation" and insert the words "jenmikaram or" between the words "Paying" and "Michavaram".

The question that Clause XXI do form part of the Bill was then put and carried.

CLAUSE XXII.

The following amendment was not moved:

MR. K. KRISHNAN NAYAR: Section 45, clause (b) Explanation I, line 1
"Substitute, "twenty" for twenty-five".

MR. A. NARAYANA PILLAI (*Vaikam*): I move the following amendment:

Proposed Section 45, Explanation, para 1, line 1: Substitute "sixteen and two-third" for twenty-five.

ഇരുപത്തിഅഞ്ചു് എന്നുള്ളതിനെ ഭേദപ്പെടുത്തി പതിനാറും മൂന്നിൽ രണ്ടുഭാഗവുമെന്നാക്കണമെന്നാണു് എന്റെ അമെൻഡുമെൻറു്. അതായതു് ജന്മികളുടെ വസ്തുക്കൾക്കൊന്നും വിലയും കൊടുത്തു കിട്ടുന്ന സംഖ്യയിൽനിന്നു ജന്മിക്കു് ഏതുതത്വമനുസരിച്ചാണു പ്രതിഫലം കൊടുക്കേണ്ടതു് എന്നാണു് ആലോചിക്കേണ്ടതു്. ജന്മിയുടെ വസ്തുക്കൾക്കു കിട്ടുന്ന സംഖ്യയിൽ നിന്നും ഇരുപത്തിഅഞ്ചു് ഇരട്ടി വരുന്ന ഒരു തുക കുടിയാൻ കൊടുക്കണമെന്നാണു നിർദ്ദേശിച്ചിട്ടുള്ളതു. ഇങ്ങനെ ഇരുപത്തി അഞ്ചു് ഇരട്ടി വരുന്നതായ ഒരു തുക കൊടുക്കുന്നതായാൽ ഇന്നു നാട്ടിൽ നടപ്പുള്ളതായ ഒരു പണപ്പലിശ ക്രമത്തിനു ജന്മിക്കു ഇന്നു കിട്ടിവരുന്നതിൽനിന്നും മൂന്നിരട്ടി ലാഭം കിട്ടുന്നു. പത്തുരൂപാ കൊല്ലംതോറും കിട്ടുന്നപക്ഷം മൂന്നുവർഷം കൊണ്ടു കിട്ടുന്ന മുപ്പതുരൂപാ

ഒരു കൊല്ലത്തിൽ കിട്ടാനിടയുണ്ട്. ഇന്നു നടപ്പുള്ള രീതിക്കു നൂററിന് ഒന്നു പലിശ അടിസ്ഥാനപ്പെടുത്തി എട്ടും മൂന്നിലൊന്ന് ഇരട്ടി സംഖ്യ കൊടുത്തു കഴിഞ്ഞാൽ ആണ്ടുതോറും കിട്ടിക്കൊണ്ടിരിക്കുന്ന ഇന്നത്തെ തുകയനുസരിച്ച് അവക്ക് ഒരു തുക പലിശയായി കിട്ടുന്നതാണ്. അങ്ങനെ ഇരുന്നിട്ടും ഇരുപത്തിഅഞ്ച് ഇരട്ടി കൊടുക്കണമെന്നാണു നിർദ്ദേശിച്ചിട്ടുള്ളത്. സാധാരണ കാണാധാരങ്ങളിൽ നിർദ്ദേശിച്ചിട്ടുള്ള ഉഭയം നോക്കിയാലും നാട്ടിൽ നടപ്പുള്ള ഏററവും താഴ്ന്ന ഉഭയം നോക്കിയാലും കോടതികളിൽ വിധിക്കു ശേഷം കിട്ടിവരുന്ന ഉഭയം നോക്കിയാലും, അരപ്പണംപ്പലിശ വളരെ ന്യായമാണെന്നു കാണുന്നുണ്ട്. ഏതു ബാങ്കിൽനിന്നും അരപ്പണപലിശ കിട്ടുന്നുണ്ട്. വസ്തു തീറുവാങ്ങിയാലും അരപ്പണപ്പലിശയിൽ കൂടുതൽ ആദായം കിട്ടുന്നുണ്ട്. വസ്തുക്കൾ പണയാധാരപ്രകാരം വാങ്ങി പണം കൊടുത്താലും മുക്കാൽ പണപ്പലിശ കിട്ടുന്ന വസ്തു വാങ്ങാവുന്നതാണ്. അതുകൊണ്ടു വസ്തു തീറുവാങ്ങിച്ചാൽ കിട്ടുന്ന ആദായം വേണം ഇവിടെ നിശ്ചയിക്കേണ്ടത്. അരപ്പണപ്പലിശയെ അടിസ്ഥാനപ്പെടുത്തി ൧൬ ൨/൩ ഇരട്ടി വരുന്ന ഒരു തുക കൊടുത്താൽ ജന്മിക്ക് ആണ്ടുതോറും കിട്ടുന്ന ജന്മിക്കരം പലിശയായി കിട്ടുന്നതാണ്. അതുകൊണ്ടു ൨൫ ഇരട്ടി എന്നുള്ളതിനെ ഭേദപ്പെടുത്തി ൧൬ ൨/൩ ഇരട്ടി ആക്കണമെന്നുള്ള എൻെറ അമെൻഡ്മെൻറിനെ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

MR. M. N. NARAYANA MENON (*Kottayam*): ഞാൻ മിസ്റ്റർ നാരായണപിള്ളയുടെ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

DEPUTY PRESIDENT: There is another amendment by Mr. Tuppan Namputiri pad where he wants it to be raised to thirty-three times the amount of Jenmikaram. He may move it now.

MR. K KRISHNAN NAYAR (*Pattanamtitta*). In that case I may also be allowed to move my amendment.

DEPUTY PRESIDENT: I thought you did not press it

നാല്പത്തിഅഞ്ചാംവകുപ്പിനു ഒരു ഭേദഗതികൂടി അവതരിപ്പിക്കണമെന്നു പറഞ്ഞിട്ടുണ്ടല്ലോ. അതു കൊണ്ടുവരിക.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : ഏതെങ്കിലും വസ്തുവിൽ ഉൾപ്പെട്ട വല്ല ഭൂമിയോ, അതിൻെറ അംശമോ, പൊന്നുംവില റഗുലേഷൻ പ്രകാരം ഒഴപ്പിച്ചെടുത്തതിനു നഷ്ടപ്പെട്ടതോ, നഷ്ടപ്പെടാവുന്നതോ ആയ പ്രതിഫല തുകയിൽ ജന്മിക്കു ചെല്ലേണ്ട ഓഹരി ആ വസ്തുവിൻെറയോ, അംശത്തിൻെറയോ ജന്മിക്കരത്തിൻെറ മൊത്ത വിലയാകുന്നു.

(ഫ) ഏതെങ്കിലും ജന്മിക്കരത്തിന്റെ മൊത്തവില എന്നാൽ ജന്മിക്കരത്തിന്റെ തുകയുടെ മുപ്പത്തിമൂന്നു ഇരട്ടിക്കു തുല്യമായ തുക എന്നർത്ഥമാകുന്നു.

(ഡ) ഒരു വസ്തുവിന്റെ ഒരുവിഭാഗംമാത്രം ഒഴിപ്പിച്ചെടുക്കുന്നതായാൽ അതിന്മേൽ ചുമത്തിയിട്ടുള്ള ജന്മിക്കരത്തിന്റെ അംശം വസ്തുവിനെ ഭാഗിച്ചിരുന്നാൽ എങ്ങനെയോ, അതുപോലെ നിർണ്ണയിക്കേണ്ടതും, ഒഴിപ്പിച്ചെടുത്തിട്ടുള്ള വസ്തുവിന്റെ ജന്മിക്കരം ജന്മിക്കു മേലാൽ കൊടുക്കേണ്ടതല്ലാത്തതുമാകുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ബില്ലും അമെൻഡുമെന്റും തമ്മിലുള്ള വ്യത്യാസം മുപ്പത്തിമൂന്നു ഇരട്ടിക്കണമെന്നുള്ളതേയുള്ളോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : അതെല്ലാം അമെൻഡുമെന്റിൽ വ്യക്തമായി എഴുതീട്ടുണ്ട്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ; ഇരുപത്തിഅഞ്ചിനെ മുപ്പത്തിമൂന്നായി കൂട്ടണമെന്നാണോ ?

MR. C. N TUPPAN NAMPUTIRIPAD (*Jenmies*) : അതെ മുപ്പത്തിമൂന്നിൽ കുറക്കാൻ പാടില്ല.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose all the amendments. This point was one of the matters that came in for deep consideration at the roundtable conference which was held in 1929 to consider the amendments relation to the Jenmi and Kudiyan Regulation. At that conference it, was decided that the capitalised value for the purpose of land acquisition must be 25 times the Jenmi's dues. That was incorporated in the Bill first introduced by Government. In the Bill now revised by the Select Committee also 25 times is taken to be the capitalised value So far, that portion is the agreement of the Jenmies and non-Jenmies at the round table conference, and, I venture to say also at the second Select Committee. I would appeal to the House to accept that as the correct capitalisation in land acquisition cases. It may be that the capitalisation if reduced to 16 2/3 the Kudiyans may gain, or if it is increased to 33 1/3 the Jenmies may gain. But I may request the House to consider the fact that it is not a question of gain or loss that must be considered, because, land acquisition may not arise very often

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : How was this 25 per cent. arrived at?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It was arrived at by calculating 4 per cent interest.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Under the Land Acquisition Regulation, is it not the rule that 16 2/3 of the annual value of the land shall be taken as the market value of the property?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not sure.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Was this agreement a unanimous agreement or has the first Select Committee recorded any dissenting minute?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The first Select Committee recommended 20 times. But you will find from the report of the second Select Committee that this change is made to suit the proposed scheme of things. It is stated.

> "The Committee has accepted the provisions of the Government Bill and not of the Bill as revised by the previous select committee, at the arriving of the amount of the jenmivaram. The former would yield a slightly larger amount in the matter....".

So you will find that it is on a certain principle that the second Select Committee unanimously recommended 25 times as the proper capitalised value of the land. However, you will notice that land acquisition will not arise every day. So, the Kudiyan will not lose nor will the Jenmi gain very much. But, since it is an agreement come to at the roundtable conference, and accepted by the second Select Committee, that may be allowed to stand.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Was it within the purview of the second Select Committee to make any recommendation in regard to that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The whole Bill was before the second Select Committee.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : മി. ഇപ്പൻ നമ്പൂതിരിപ്പാട് ൨൫ ഇരട്ടി വേണമെന്നു പറഞ്ഞതു് ഏതിനെ അടിസ്ഥാനമാക്കിയാണെന്നു് അറിയേണ്ടതായിരിക്കുന്നു? അതിനെ അറിഞ്ഞിട്ടുവേണം ഞങ്ങൾക്കു വോട്ടുചെയ്യുവാൻ.

MR. P. S. MAHOMED (*Nominated*) : ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള രണ്ടു ഭേദഗതികളും അതിന്റെ സ്വഭാവം കൊണ്ടു നോക്കുന്നപക്ഷം ജന്മികുടിയാനിൽ നിന്നു എത്രത്തോളം സൗകര്യം കൂടുതൽകിട്ടുമോ അത്രത്തോളം കുടിയാൻ ചെയ്യണമെന്നും, കുടിയാനു ജന്മിയിൽനിന്നും എത്രത്തോളം കൂടുതൽ സൌകര്യം കിട്ടുമോ അത്രത്തോളം ജന്മിയും ചെയ്യണമെന്നും വിചാരിക്കുന്നതായി കാണാവുന്നതാണ്. എന്നാൽ റൗണ്ടുടേബിൾ കാൺഫറൻസിന്റേയും, സെലക്ട് കമ്മിററിയുടേയും അഭിപ്രായപ്രകാരം ഇരുകൂട്ടരും യോജിച്ചു് പോകത്തക്ക ഒരുമാറ്റം കാണിച്ചുകൊടുത്തിട്ടുണ്ടു്. അതിനു വെളിയിലായി ഈസംഗതി പോകുന്നതു യുക്തമാണെന്നു തോന്നുന്നില്ല. അതുകൊണ്ടു ഈരണ്ടു ഭേദഗതിയേയും ഞാൻ എതിർക്കതന്നെ ചെയ്യുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, I am one of those, who has signed the Select Committee Report accepting 25 times the jenmikaram as capitalised value thinking that the Jenmies also would accept it and that we could come to some sort of understanding. Now the Jenmi members want it to be raised to 33 times.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ജന്മിമെമ്പറന്മാർ സെലക്ടു കമ്മിററിയിൽ ഉണ്ടായിരുന്നോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : രണ്ടു ജന്മി മെമ്പറന്മാരും ഉണ്ടായിരുന്നു എന്നാണ് എന്റെ ഓർമ്മ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ജന്മിമെമ്പറന്മാർ ഡിസൻറിംഗ് മിനിട്ടിൽ ഒപ്പിട്ടിട്ടില്ല.

MR. P. S. MAHOMED (*Nominated*): ഇത്രയും കൂടുതൽ അനീതിയായി കൂട്ടണമെന്നാണോ റൗണ്ട് ടേബിൾ കാൺഫറൻസിൽ തീർച്ചയാക്കിയത്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikpalli*) : ഒരുകാര്യം രാജിയാകുന്ന സംഗതിയിൽ കുറെക്കെ നഷ്ടം രണ്ടുകൂട്ടരും സഹിക്കേണ്ടിവരും. രാജിയുടെ അർത്ഥംതന്നെ അതാണ്.

I was a member in the first Select Committee also. There it was fixed at 25 times. We accepted it thinking that the Jenmi members would not seek to alter it. Even at some loss we thought that we could get on smoothly. But now that the Jenmi members want it to be raised to 33 times and in view of the fact that agreement is impossible, I think, I have to support the amendment of Mr. Narayana Pillai.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : In case Mr. Narayana Pillai withdraws his amendment what is Mr. Asan's position?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I am not here to answer hypothetical questions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Irrespective of the amendment, is it right that Mr. Asan should take such a position? Has he not a view or principle independent of what others might say?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): We have all along been saying that the principle is one of compromise.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does Mr. Asan want to go back upon the agreement, or does he want to see those decisions brought into force?

MR. A. NARAYANA PILLAI (*Vaikam*): സർ, ജന്മിയെ ദ്രോഹിക്കണമെന്നോ കുടിയാനു കൂടുതൽ ആദായം ഉണ്ടാക്കണമെന്നോ എനിക്കു വിചാരമില്ല. അങ്ങനെ ആണെങ്കിൽ കുടിയാനു സർവ്വസ്വവും നഷ്ടംതന്നെയാണ്. ജന്മിക്കാണെങ്കിൽ ആണ്ടുതോറും കിട്ടുന്ന ആദായംമാത്രമെ നഷ്ടപ്പെടുന്നുള്ളു. പിന്നെ ജന്മിയെനഷ്ടപ്പെടുത്തുന്നു എന്നു പറയുന്നതാൽ യാതൊരർത്ഥവുമില്ല. കുടിയാനു ക്ലിപ്തമായ ഒരു ആദായമല്ല വസ്തുവിൽ

[Mr. A. Narayana Pillai,]

നിന്നും കിട്ടുന്നതു്. കാലസ്ഥിതിയനുസരിച്ചും മണ്ണിന്റെയും വളത്തിന്റെയും ഗുണമനുസരിച്ചും കിട്ടുന്ന ആദായമാണു് അവൻ ഉപേക്ഷിക്കുന്നതു്. കുടിയാൻ വസ്തുവിൽ ചെയ്യുന്ന ദേഹണ്ഡത്തിന്റെ നാലിൽ ഒന്നു ആദായമേ ജന്മിക്കു കിട്ടുന്നുള്ളു. ജന്മിക്കുകിട്ടുന്ന തുക ഒരുവിധത്തിലും നഷ്ടമില്ലാത്തതായിരിക്കണമെന്നു കരുതിയാണു കാണാർത്ഥത്തെയും മററു ആദായങ്ങളേയും കുടിയാൻ ഉപേക്ഷിച്ചു് ഇങ്ങനെ നിശ്ചയിച്ചിരിക്കുന്നതു്. റൌണ്ടുടേബിൾ കാൺഫറൻസിൽ ഇതിനെപ്പററി എതിരഭിപ്രായമുണ്ടായിരുന്നു എന്നു ലാമെമ്പർ ഇവിടെ പ്രസ്താവിക്കുകയുണ്ടായി. ഒരു തത്വത്തേയും അടിസ്ഥാനപ്പെടുത്തിയല്ല അവിടെ പ്രവർത്തിച്ചിട്ടുള്ളതു. അഞ്ചലാഫീസിലോ ഗവമെന്റു ട്രഷറിയിലോ ഇടുന്ന പണത്തെപ്പോലെ ഇതുകറന്റു ഡിപ്പാസിററാണോ? അതിനു ൨൦ ഇരട്ടി എങ്ങനെകിട്ടും. സ്ഥിരമായ ഒരു നയത്തെ അടിസ്ഥാനപ്പെടുത്തി നോക്കിയാൽ അരപ്പണത്തിൽ കൂടുതൽപലിശ കിട്ടുകയില്ലായിരിക്കാം മേൽപ്പറഞ്ഞ തരത്തിലുള്ള പലിശക്കു ഈ കൂട്ടത്തിൽ ആക്കെങ്കിലും പണംകൊടുക്കാൻ കഴിയുമോ? അങ്ങനെ ആക്കെങ്കിലും കഴിഞ്ഞിട്ടുണ്ടോ? ഈ തരം പലിശ ഒരിക്കലും തൃപ്തികരമല്ല. അതിനാൽ ഈ അമൻഡുമെന്റിനെ ഓട്ടിനിടണമെന്നു ഞാൻ അഭിപ്രായപ്പെടുന്നു.

MR. C. N. TUPPAN NAMPUTIRI PAD (*Jenmies*) : ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു. എനിക്കു ഇതിനെപററി ഒന്നുംതന്നെ പറയാനില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Mr. Asan said that he is prepared to give up the recommendations made by the Select Committee, because Mr. Tuppan Namputiripad had moved the amendment. But I ask why should he give up the Committee's recommendation?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : സിലക്ട് കമ്മററി റക്കമെന്റു ചെയ്തിരുന്ന പല വകുപ്പുകളും ജന്മിക്കു അനുകൂലമായി ഭേദപ്പെടുത്തിയിട്ടില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഉണ്ടു്. I still request him to reconsider his position. The report of the Select Committee says:—

"According to the proposed scheme of things, the jenmikaram is expected to be permanent and, in any event, not liable to alteration by the mere act of the parties."

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഞങ്ങൾ സമ്മതിച്ചു ഒപ്പിട്ടുകൊടുത്തിട്ടുള്ള വ്യവസ്ഥകളിൽ കുടിയാനു് അനുകൂലമായിരുന്നചിലതിനെ ജന്മിക്കനുകൂലമാക്കി മാററീട്ടുള്ള സ്ഥിതിക്കു ഇപ്പോൾ മി. നാരായണപിള്ളയുടെ ഭേദഗതി അനുസരിച്ചു മാററുന്നതിനുള്ള

വിഷമം എന്താണ്. ജന്മിക്കു ഗുണകരമായി ചിലതെല്ലാം മാററീട്ടുണ്ട്. പിന്നെ എന്തുകൊണ്ടാണു കുടിയാന് അനുകൂലമായി ഇതു മാററിക്കൂടാത്തതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): വേണ്ടെന്നാണ് എന്റെ അഭിപ്രായം. ഇരുകക്ഷികളും യോജിച്ചു തീരുമാനിച്ചിട്ടുള്ള ഒരു വ്യവസ്ഥയെ ഭേദപ്പെടുത്തിക്കൂടാ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വസ്തുക്കളുടെ ജന്മാവകാശം മുതലായവയെ കണക്കാക്കി ജന്മിക്കു ഗുണകരമായി ചിലസംഗതികൾ ഭേദപ്പെടുത്തിയതുകൊണ്ടു് ഇതിനേയും ഭേദപ്പെടുത്തിയാൽ എന്താണ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇരുകക്ഷികളും യോജിച്ചു ൨൦ മടങ്ങു ആക്കാമെന്നു പറഞ്ഞതനുസരിച്ചാണ് ഈ തരത്തിൽ വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതു്. കാര്യസാദ്ധ്യമില്ലാത്ത സംഗതികൾ പറഞ്ഞ് ഇതിനെ ഭേദപ്പെടുത്തരുത് അതിലെ അംഗങ്ങൾ ഭൂരിപക്ഷവും അനുകൂലിച്ചാണ് ൨൦ മടങ്ങ് ആക്കിയിട്ടുള്ളതു്.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): അതിനാൽ മിസ്റ്റർ നാരായണപിള്ള ഹാജരാക്കിയ ഭേദഗതി തൃപ്തികരമല്ലെന്നാണോ പറയുന്നതു്?

DEPUTY PRESIDENT: We will take Mr. Tuppan Namputiripad's amendment first because he has fixed a higher figure. His amendment is: —

> "That capitalised value of any jenmivaram means an amount equal to 33 times the amount of jenmikaram".

The amendment was put to the vote of the House and lost.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): പോൾ എടുത്താൽ കൊള്ളാം.

A poll was taken and the House divided as follows:

AYES. 3.

1. Mr. C. N. Tuppan Namputiripad.
2. „ C. P. Bhattathiri.
3. „ N. Raman Namputiripad.

NOES 41.

1	Mr.	K. P. Abraham	12	Mr.	K. P. Kochukora Tarakan
2	„	K. C. Chandi	13	„	K. Krishnan Nayar
3	„	S. Chattanatha Karayalar	14	„	E. V. Krishna Pillai
4	„	A. S. Damodaran Asan	15	„	N. K. Krishna Pillai
5	„	R. Dhanukoti Pillai	16	„	S. Krishna Pillai
6	„	K. George	17	„	A. Kumara Pillai
7	„	K. Gopalakrishna Pillai	18	„	Tariatu Kunjitomman
8	„	N. John Joseph	19	„	K. Kunjukrishna Pillai
9	„	Joseph Kunju	20	„	C. O. Madhavan
10	„	K. C. Karunakaran	21	„	K. Madhavan Pillai
11	„	K. I. Kocheeppan Mappillai	22	„	K. P. Madhavan Pillai
			23	„	M. P. Madhavan Pillai

24	Mr.	M. Mahomed Mustapha	34	Mr.	N. K. Padmanabha Pillai
25	,,	P. S. Mahomed	35	,,	Kayalam Paramesvaran Pillai
26	,,	E. G. McAlpine			
27	,,	M. N. Narayana Menon	36	,,	Rama Varma Raja
28	,,	A. Narayana Pillai	37	,,	S. C. H. Robinson
29	,,	B. Narayana Pillai	38	,,	R. S. Subrahmanya Pillai
30	,,	N. Nilakanta Pillai	39	,,	C. N. Srirenganatha Sastri
31	,,	R. Nilakanta Pillai			
32	,,	K. P. Nilakanta Pillai	40	,,	A. Thanu Pillai
33	,,	K. Padmanabha Panikkar	41	,,	J. S. Westerdale

NEUTRAL—Nil.

The amendment was declared lost, 3 voting *for* the amendment, 41 *against* and none remaining *neutral*.

DEPUTY PRESIDENT: Now we will take up Mr. Narayana Pillai's amendment. It reads

"The capitalised value of any jenmikaram means an amount equal to 16 2/3 times the amount of the jenmikaram".

The amendment was put to the vote of the House and carried.

MR. A. NARAYANA PILLAI (*Vaikam*): I demand a poll.

A poll was taken and the House divided as follows:

AYES 23.

1	Mr.	K. P. Abraham	12	Mr.	E. V. Krishna Pillai
2	,,	K. C. Chandi	13	,,	N. K. Krishna Pillai
3	,,	S. Chattanatha Karayalar	14	,,	S. Krishna Pillai
			15	,,	Tariatu Kunjitomman
4	,,	A. S. Damodaran Asan	16	,,	K. Kunjukrishna Pillai
5	,,	K. Gopalakrishna Pillai	17	,,	K. Madhavan Pillai
6	,,	N. John Joseph	18	,,	K. P. Madhavan Pillai
7	,,	Joseph Kunju	19	,,	M. P. Madhavan Pillai
8	,,	K. C. Karunakaran	20	,,	M. Mahomed Mustapha
9	,,	K. I. Kocheeppan Mappillai	21	,,	K. Narayanaperumal Nadar
10	,,	K. P. Kochukora Tarakan	22	,,	A. Narayana Pillai
11	,,	K. Krishnan Nayar	23	,,	K. P. Nilakanta Pillai

NOES 20.

1	Mr.	R. Dhanukoti Pillai	12	Mr.	Kayalam Paramesvaran Pillai
2	,,	K. George			
3	,,	A. Kumara Pillai	13	,,	Rama Varma Raja
4	,,	C. O. Madhavan	14	,,	S. C. H. Robinson
5	,,	P. S. Mahomed	15	,,	C. N. Srirenganatha Sastri
6	,,	E. G. McAlpine	16	,,	A. Thanu Pillai
7	,,	B. Narayana Pillai	17	,,	J. S. Westerdale
8	,,	N. Nilakanta Pillai	18	,,	C. N. Tuppan Namputiripad
9	,,	R. Nilakanta Pillai			
10	,,	K. Padmanabha Panikkar	19	,,	C. P. Bhattatiri
11	,,	N. K. Padmanabha Pillai	20	,,	N. Raman Namputiripad

NEUTRAL 1.

1. Mr. R. S. Subrahmanya Pillai.

The amendment was declared carried, 23 voting *for* the amendment, 20 *against* and one remaining *neutral.*

DEPUTY PRESIDENT : We will take up Mr. Tuppan Namputiripad's amendment where he does not want the value of the building to be taken into account at all. He wants the whole capitalised value to be given away to the jenmi. The clause as amended by the Select Committee reads thus :—

> " When the Jenmi and the Kudiyan cannot agree as to the apportionment as between them of the compensation money awarded or awardable on the acquisition, under the Land Acquisition Regulation, of any land or portion of land comprised in any holding, the portion due to each shall be determined in accordance with the following rules :—
>
> (a) So much of the compensation money as due to any buildings shall belong entirely to the Kudiyan ;"

If anybody desires to speak upon that, he is requested to do so.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I will reserve my remarks to the end. After hearing his reasons I will have my say.

DEPUTY PRESIDENT : He has simply moved the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Select Committee after consideration has recommended the provision as now in the Bill. I have not heard any arguments either in support or against the provisions in the Bill.

DEPUTY PRESIDENT : He wants substitution of the Clause as framed by him in place of the one in the Select Committee's Report

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I stand by the provision of the Bill as reported by the Select Committee.

DEPUTY PRESIEDNT: കെട്ടിടങ്ങളുടെ വിലയെപ്പററി നിങ്ങം അയച്ചിട്ടുള്ള ഭേദഗതിയിൽ ഒന്നും പറഞ്ഞിട്ടില്ല. അതുകൊണ്ട് അൎത്ഥമാകുന്നതു കുടിയാനു യാതൊന്നും കൊടുക്കാൻ ഇടയില്ലന്നാണ്.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Which is the amendment that is being moved ? Is it number 55 ?

DEPUTY PRESIDENT : Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Has it been subsequently amended ?

DEPUTY PRESIDENT : No. He wants the Clause as sent by him to be substituted for Section 45 in the amended Bill which involves this amendment.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : കെട്ടിടങ്ങളുടെ വിലയെ സംബന്ധിച്ചു കുടിയാനു ഒന്നും കൊടുക്കാൻപാടില്ല എന്നല്ല ജന്മിഭാഗത്തുനിന്നും പറഞ്ഞിട്ടുള്ളതു്. എന്നാൽ അതിന്റെ വിലയെ സംബന്ധിച്ചു മൊത്തമായി പറഞ്ഞിട്ടേഉള്ളു. കെട്ടിടങ്ങളുടെ വിലയെ സംബന്ധിച്ചു ഒന്നും കൊടുക്കരുതെന്നു് അതിനൎത്ഥമില്ല.

MR. S. KRISHNA PILLAI (*Karunagapalli*): അമൻഡ്മെൻറു് അനുസരിച്ചു കെട്ടിടങ്ങൾക്കു് എന്തുവില വേണമെന്നാണു് ഉദ്ദേശിക്കുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞങ്ങൾ ആദ്യം അയച്ചിട്ടുള്ള അമൻഡ്മെൻറിൽ നിർദ്ദേശിച്ചിട്ടുണ്ടു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): കുടിയാനു് എന്തു് ഓഹരി കൊടുക്കണമെന്നാണു് അതിൽ നിർദ്ദേശിച്ചിട്ടുള്ളതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മൊത്തവിലകഴിച്ചു ബാക്കി സംഖ്യ എന്നാണു് അതിൽപറഞ്ഞിട്ടുള്ളതു.

DEPUTY PRESIDENT: ആണ്ടു അടക്കമുള്ള വരുമാനത്തെ മുപ്പത്തിമൂന്നുകൊണ്ടു ഗുണിച്ചു കിട്ടുന്നതുക മുഴുവൻ ജന്മിക്കുകൊടുക്കണമെന്നു പറഞ്ഞിട്ടുണ്ടു്. സെലക്ട് കമ്മിററിയിൽ ൨൫ മടങ്ങു് എന്നു ക്ലിപ്തപ്പെടുത്തുകയും അതിൽ കെട്ടിടത്തിൻെറ വില തട്ടിക്കഴിച്ചു ശേഷമുള്ള തുക ജന്മിക്കു കൊടുക്കണമെന്നും പറഞ്ഞിട്ടുണ്ടു്. കെട്ടിടത്തിൻെറ വിലയുടെ ഓഹരിയെ സംബന്ധിച്ചു ഒന്നുംപറഞ്ഞിട്ടില്ല. അതിനെപ്പററി മെമ്പറുടെ അഭിപ്രായം എന്താണു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ജന്മിക്കു കൊടുക്കാനുള്ളതു് എത്രയാണെന്നു തിട്ടയാക്കിയാൽ ബാക്കിയുള്ളതു മുഴുവൻ കുടിയാന്നു് ആണെന്നു നിശ്ചയിക്കാമെല്ലൊ. അങ്ങനെ ചെയ്താൽ കുടിയാന്നു കൊടുക്കേണ്ട തുകയെപ്പററി പ്രത്യേകം കണക്കാക്കേണ്ട ആവശ്യമില്ല. മൊത്തവിലകഴിച്ചു വരുന്നതുക ജന്മിക്കുകൊടുത്താൽ മതിയാകുന്നതാണു്.

DEPUTY PRESIDENT: ആണ്ടടക്കമുള്ള വരുമാനം എന്നു പറയുന്നതിൽ കെട്ടിടത്തിൻെറ വാടകകൂടി ഉൾപ്പെടുകയില്ലെ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ജന്മിക്കരം നിശ്ചിതമായ ഒരുതുകയാണു്. അതിൻെറ ഒരുശതമാനം മാത്രമെ ഇതിൽ പറഞ്ഞിട്ടുള്ളു.

DEPUTY PRESIDENT: The amendment states that the following provision should not be retained.

> "The value of buildings as required in clause (a), that is so much of the compensation money as due to any building, shall belong entirely to the Kudiyan as per Section 45 of the amended Bill."

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): The whole provision has to be taken together. It would be misleading to put one clause separately.

DEPUTY PRESIDENT: There is a difference of opinion in regard to the number of years for calculating the value. First, we take votes on that. There is difference of opinion in regard to the other parts also.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): In all cases, I think 10 years may suffice.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I must concede that there is force in the argument advanced, *viz.*, that whatever be the period, it must be definite. So far as I am able to see at present I am inclined to support the amendment unless I hear reasons to the contrary from the Jenmi members.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): I have nothing to say with regard to the amendment.

The amendment was put to vote and carried.

The amendment (No. 55) of Mr. Tuppan Namputiripad, to substitute the provision contained in the amendment for clause 45 of the Bill as reported by the Select Committee, was then put to vote and lost.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have another amendment, Sir, to Explanation 4 of the proposed Section 45, namely, to add the words "*or to Our Government*" at the end.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put to vote and carried.

The question that the proposed Section 45, as amended, do form part of the Bill, was then put and carried.

Proposed Section 46.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Since this Section introduces us to a field of keen controversy, I request that we may adjourn now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We have got only Friday, Saturday and Monday, and as at present arranged, Saturday will be a non-official day. So, for official business we have got only one day more since the last day of this session has to be set apart for the third reading of Bills. Unless we get on expeditiously it would not be possible for us to finish the business in this session. Therefore it would be helpful if the House would sit as long as it could.

MR. RAMA VARMA RAJA (*Edavagai*): ക്ഷത്രിയബില്‍ എന്നാണു് ആലോചനക്ക വച്ചിരിക്കുന്നതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Saturday as at present arranged. That will be the only day for second reading.

DEPUTY PRESIDENT: I think there was a proposal to see whether the matter involved in this Section could not be settled informally. Has any attempt been made in that direction? Is there any likelihood of any settlement being reached?

[Deputy President.]

We will then take votes on the other parts also.

The amendment was put to vote and lost.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to the Explanation, there is one amendment in the name of Mr. Abraham and another in the name of Mr. Narayana Pillai. There is a clerical mistake, in the Bill, which has to be corrected. In the proviso to that Section the word "if" has to be inserted after "*provided that.*" I beg to move that amendment first.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The amendment was carried *nem con.*

MR. A. THANU PILLAI (*Trivandrum*) : In Section 45 (*a*) there should be an "*is*" in "*so much compensation money as due to any building*", so that it would read "*so much compensation money as is due...... ..*".

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In the Bill as reported there is the word "*is.*"

There is another amendment to Explanation 3.

DEPUTY PRESIDENT : Mr. Raman Namputiripad, do the two points that have been dealt as amendments exhaust all the changes that you want to introduce by your amendment No. 55 ? There was difference of opinion as regards the number of years, and then also in regard to the value of buildings. In regard to Explanation 2 is there any difference in the principle involved ? If so, that has to be taken up first before the other amendments are taken up.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : We want both (*a*) and (*b*) to be deleted.

DEPUTY PRESIDENT : (*a*) has been considered already ; (*b*) has to be considered now.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : Yes.

DEPUTY PRESIDENT : There is another amendment, by Mr. Tuppan Namputiripad, to Section 45 (*b*) which the House has now to consider. Mr. Tuppan Namputiripad does not approve of the manner of distribution suggested by the Select Committee. He wants the whole of it to be given to the Jenmi.

The amendment was put to vote and lost.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I beg to move that in line 2 of paragraph 3 of the Explanation to the proposed Section 45 (*b*), the words "*not less than*" occurring before the word "*ten*" be omitted.

My only object is to fix the period at ten years. The clause as it stands leaves the period indefinite. In experience we find that 10 years is the period after which prices generally change. Therefore, I want the period to be definitely fixed as ten years, neither more nor less.

MR. A. NARAYANA PILLAI (*Vaikam*) : പത്തുകൊല്ലത്തെ ശരാശരിവിലകൊടുക്കുന്നതു ശരിയാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : On that point I have to say this. Some debate on this contentious question must proceed now. Both the Jenmies and non-Jenmies should give their views in this matter. Points of difference that emerge clearly as a result of discussion should be noted for due consideration and negotiation. So, it is desirable that the debate should go on now.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then I say that the debate should now continue, Sir.

DEPUTY PRESIDENT : Mr. Bhattatiri's amendment may be moved first, to enable the House to arrive at decisions between the Jenmies and non-Jenmies. Let the Jenmies make their point of view clear and let the non-Jenmies also state their point of view.

The following amendment was not moved ;

MR. C. P. BHATTATIRI :

Section 46, delete ; and substitute the following :

"Our Government shall, in the first instance and after the end of every period of five years, publish in the *Government Gazette* for the purposes of this Regulation a commutation rate for the whole State for paddy or other commodities payable by the Kudiyan. The rate so published shall be in force for five years and the rate shall be fixed by Our Government by taking an average of the market rate for paddy or other commodities in all the taluks of the State together in the preceding five years."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In view of the fact that my amendment relating to the commutation rate of paddy is a very important one and many members have to speak on it, the House may be adjourned to-day.

DEPUTY PRESIDENT : The discussion may continue to-day so that we may know the points of difference between the parties with a view to making an attempt to arrive at an understanding in the matter if possible. Are the members for continuing the discussion to-day?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : In view of the fact that there is very limited time to go through this Bill, we do not want to lose time. I think there is no necessity to adjourn now.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I move the following amendment .—

Substitute the following for Section 46 :

"*The commutation rate of paddy for the purpose of this Regulation shall be 13 chuckrams for standard para.*."

I shall move the rest of the amendment later on.

In moving this amendment, I want to place certain matters for the consideration of the Jenmies. By this Regulation, payment in kind is sought to be abolished. There is a provision which was passed the other day which entitles the Kudiyans to make payment in money. The jenmies cannot have any serious objection if payment in kind is abolished and a commuted price is substituted. Under the provisions of this Regulation, the jenmies are given the aid of the Revenue Recovery Regulation to collect the jenmikaram. If the jenmikaram is to be realised hereafter by means of the Revenue Recovery Regulation, it will be to the convenience of both the Jenmies and the

[Mr. K. P. Nilakanta Pillai.]

Kudiyans if payment in kind is abolished and a commuted rate is fixed for paddy. Even under the existing Regulation if the Jenmies want to realise arrears of michavaram and other dues they have to file a case in a civil court. There the decree is given in money. Naturally the question arises what is the objection on the part of the Jenmi to allow the procedure as it is. Of course we know that the Civil courts which passed decrees on the suits filed by jenmies have more or less been entirely relying upon false *nirak* rates. The report now published are thoroughly inaccurate and by relying upon false *nirak* rates much injustice has been done to the Kudiyans. It will also be admitted, Sir, that hereafter if they should rely upon the *nirak* rate for ascertaining the commuted rates it is dangerous and nobody, whether the Jenmies on the one hand or the Kudiyans on the other hand, is satisfied with the *nirak* rates as it is published in the Government Gazette. In this connection the question arises if some agency is appointed for the preparation and publication of the nirak rates more carefully what is the objection on the part of the Kudiyan. That question also may be mooted. From our experience, whatever may be the precaution that Government may take hereafter for the proper preparation and publication of the *nirak* rates we cannot believe whether it would be done satisfactorily. On the other hand the most important question, if I am permitted to say so, with reference to the present Bill under discussion, is the fixing of the commutation rate for paddy. Thereby it is not the intention of the Kudiyans to make any gain out of the fixing of the *nirak* rates. But the Kudiyans are even prepared to make sacrifices and the present amendment's object in fixing the commutation rate at 13 chuckrams per standard para, that itself will indicate the amount of sacrifice the Kudiyans are prepared to make because it is known that the price of paddy at present is not more than 11 chuckrams per standard para. So it may be asked why we are prepared to raise it to 13 chuckrams. That is because the Kudiyans after having settled their relations with the Jenmies definitely on almost all disputable points why should this alone be left unsettled. The Kudiyans want to know in reality what exactly is their liability in the matter of payment of the jenmikaram. For that alone the kudiyans are prepared to make any amount of sacrifice. That is why I am prepared to fix it at even 13 chuckrams. We want to fix what the future relations are. There should be no more matter on which the Kudiyans on the one hand and the Jenmies on the other hand may continue to agitate. That is the only reason which persuades the Kudiyans to get the commuted rate fixed for ever.

DEPUTY PRESIDENT: I think the House will adjourn now.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I may be allowed to continue the next day.

DEPUTY PRESIDENT: Yes.

The Council adjourned at 5·6 P. M. to reassemble at 11-30 A. M. on the following day.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT*)

Friday the 2nd Dhanu 1108/16th December 1932.

The Council met in the Victoria Jubilee Town Hall, at 11-32 of clock, the President presiding.

QUESTIONS AND ANSWERS.

List of acting appointments made by Mr. M. H. Veeraraghava Aiyar, Dewan Peishkar, Quilon.

58. **MR. K. PADMANABHA PANIKKAR** (*Ambalapuzha*): Will the Government be pleased to lay on the table a list of acting appointments made by the Dewan Peishkar, Quilon, (Mr. M. H. Veeraraghava Aiyar) after he took charge of the post, with the dates of the first entertainment of such persons in the department?

MR. A. KUMARA PILLAI (*Secretary to Government*): A list *furnishing the information required by the member is laid on the table.

Allotment under Original Works for the Nagercoil P. W. Division.

59. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) the amount allotted in 1108 under Original Works for the Nagercoil P. W. Division: and

(*b*) how much of the allotment was expended till the end of the first quarter of 1108?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) & (*b*) A statement† showing the amount allotted in 1108 and expended till the end of the first quarter is appended.

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* *Vide* Appendix I—page i and ii.

† *Vide* Appendix II—page iii

G. P. T. 1697. 300. 15-11-108.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): I see from Appendix II, page iii, that only Rs. 83,408 has been allotted for the Nagercoil Division. May I know the percentage that this sum bears to the total allotment under original works for all the divisions together?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The member himself can calculate the percentage.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know the total allotment for all the divisions?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): It is not now before me. The member can get that information from the Budget.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) What was the amount demanded by the Nagercoil Division Officer for original works for that Division for 1108?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The information is not available now.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether there was a complaint, both in the Council and in the Assembly that the original works in the Nagercoil Division get only a pittance? I know there have been such complaints during the last ten years.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): This does not appear to be in the form of a supplementary question, Sir.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether there were complaints from the non-officials in the Assembly?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that several original works, like the Krishnaputhur kal and Asaripallam, are being indefinitely postponed owing to the insufficiency of funds for original works in that Division?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Some of these works have been specifically interpellated upon by the member in this session itself, for instance, Asaripallam.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Government will enquire into the need for larger allotment for original works for this Division?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The member himself on a previous day asked about this, and he has been answered that funds had been provided consistent with the requirements of other Divisions.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether they will make an enquiry into the matter?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government will consider this standpoint also in according grants.

Petition re remission of tax in Neyyattinkara.

60. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*): With reference to the ryots of Nedumonkulapuravu, Keezhumbhagom, Chenkal pakuthi, Neyyattinkara, will the Government be pleased to state:

(*a*) whether the Government or the Land Revenue Commissioner or the Dewan Peishkar, Trivandrum, received petitions from Velayudhan Govindan Unnithan and others praying for remission of tax for 1108 because of the severe flood damage; and

(*b*) what action, if any, has been taken thereon?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) It is reported that the Land Revenue and Income Tax Commissioner and the Dewan Peishkar, Trivandrum, have received petitions from the persons referred to by the member.

(*b*) the department is making an enquiry into the matter.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) When was the first petition received by this Officer?

MR. A. KUMARA PILLAI (*Secretary to Government*): On 18-1-1108.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): The answer to part (*b*) states that "The Department is making an enquiry into the matter." Is it the Tahsildar that has been asked to make an enquiry?

MR. A. KUMARA PILLAI (*Secretary to Government*): The Peishkar himself went to the place and made personal enquiries, and has rendered the necessary help by way of loans, &c.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): My question is with regard to the petition for *remission*. Has the Peishkar inspected the locality and satisfied himself that the parties have a legitimate grievance?

MR. A. KUMARA PILLAI (*Secretary to Government*): He says that he went to the places and is now considering the question. He has not yet formally submitted his proposals.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Does his report contain the fact that he is personally satisfied that the prayer is legitimate?

MR. A. KUMARA PILLAI (*Secretary to Government*): The report only says that the Department is enquiring into the matter. It is only just now that the Peishkar told me personally that he has inspected the place.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): There is nothing on record?

MR. A. KUMARA PILLAI (*Secretary to Government*): No.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): After this interpellation was received did not the Government call for a report from the Peishkar?

MR. A. KUMARA PILLAI (*Secretary to Government*): They called for a report from the Land Revenue Commissioner.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): What does h[illegible]

MR. A. KUMARA PILLAI (*Secretary to Government*): He[illegible] that the Department is making an enquiry into the mat[illegible]

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): He has given only such a vague answer?

MR. A. KUMARA PILLAI (*Secretary to Government*): He has had time only for that.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Are the Government aware that, even after the Peishkar was convinced, on personal inspection, that the grievance was legitimate, demand notices have been issued to the poor ryots for the Vrischikam kist?

MR. A. KUMARA PILLAI (*Secretary to Government*): Government have no such information.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Will the Government be pleased to enquire into the matter?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes, if necessary, after getting the Land Revenue Commissioner's report.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): May I know whether the Government will direct the Land Revenue Commissioner to make an immediate report?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

Shifting of the leper asylum.

61 **MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state:

(*a*) whether there is a proposal for shifting the leper asylum to some place in the Nuranad pakuthi;

(*b*) if the answer to part (*a*) is in the affirmative, the number of schools, temples, churches, mosques, markets, offices and other institutions situated within one mile of the proposed site;

(*c*) the area of the land required for the purpose and the area of the Government land that is available for the same;

(*d*) whether any earnest effort has been made by the Inspecting Medical Officer for fixing a site where the necessary Government land is available and the choosing of which would not cause much public alarm;

(*e*) if the answer to part (*d*) is in the affirmative, the taluks and pakuthies in which such investigation has been made with the reports with respect to each of such places;

(*f*) whether it is a fact that the Inspecting Medical Officer was requested by two or three persons to suggest the transfer of the leper asylum to their lands in certain pakuthies of Kunnattur and Mavelikara and that all that he has done is only to choose one of such sites;

(*g*) whether the Inspecting Medical Officer cared to ascertain the number of public institutions and places of public resort within a radius of one mile;

(*h*) whether any enquiry has been made on the memorial presented to the Dewan by the Legislative Council member for the Mavelikara *cum* Kartikapalli constituency on the 9th Vrischikam 1107 on behalf of the inhabitants of Nuranad, Chunakara and Tamarakulam; and

(*i*) whether they propose to ascertain if a more suitable site, where the necessary Government land is available and sufficiently away from the inhabited area, could not be found?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) A site in Nuranad pakuthi is also among the sites which are being considered for the location of the leper asylum.

(*b*) The information is not at present available, but these aspects are also receiving consideration.

(*c*) About 150 acres. No Government land is available at Nuranad.

(*d*) Yes; and it is still being made by Government. The matter is being investigated by an expert committee.

(*e*)	*Taluk.*	*Pakuthi.*
	Kunnattur	Kodumon.
	Do.	Edakad.
	Do.	Enathimangalam.
	Mavelikara	Nuranad.

The question of selection of a site has not been finally decided and as such the reports cannot be placed on the table.

(*f*) Certain people offered to sell their lands for the proposed leper asylum; but no site has been chosen.

(*g*) The answer is in the negative.

(*h*) Yes; the Dewan inspected the locality in the company of the member and Mr. E. V. Krishna Pillai.

(*i*) In view of the answer to part (*d*), this does not arise.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): In regard to part (*a*) may I know what were the particular features of Nooranad which prompted the Government to conduct an investigation with regard to the site there?

MR. A. KUMARA PILLAI (*Secretary to Government*): The climate of the place, the location of the site and the proximity to the road.........

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What are the peculiar features of Nooranad which made the Government start the investigation?

MR. A. KUMARA PILLAI (*Secretary to Government*): I have already answered it.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): But, before the Government appointed the committee they had thought of this site for this purpose. I want to know what were the particular features of Nooranad which led the Government to choose that place first for this purpose?

MR. A. KUMARA PILLAI (*Secretary to Government*): Mainly, the healthy climate of the place and the suitability of the site. The Executive Engineer and the Chief Engineer report that that site is the best among the sites so far selected.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What I want to know is how, before the Government asked their Engineers to enquire into the matter, they happened to think of Nooranad first for this purpose.

MR. A. KUMARA PILLAI (*Secretary to Government*): The owner of the site seems to have offered the site for sale.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The owner of how many acres?

MR. A. KUMARA PILLAI (*Secretary to Government*): Twenty acres.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the total extent of the area required for the asylum?

MR. A. KUMARA PILLAI (*Secretary to Government*): 150 acres.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the owner of the 20 acres offered the area gratis?

MR. A. KUMARA PILLAI (*Secretary to Government*): No, only for sale; that induced the Government to think of that site.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the consent of the owner necessary for the Government acquiring private property for public purposes?

MR. A. KUMARA PILLAI (*Secretary to Government*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Then what is the particular reason which induced Government to think of this site first?

MR. A. KUMARA PILLAI (*Secretary to Government*): The availability of a suitable site was brought to the notice of Government by the owner of the property.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Am I to understand that Government wanted to oblige the owner?

MR. A. KUMARA PILLAI (*Secretary to Government*); No.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Do the Government propose to ascertain whether the owner or owners of the remaining 150 acres necessary for the asylum, were prepared to part with the land?

MR. A. KUMARA PILLAI (*Secretary to Government*): No. They have not come to any conclusion in the matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) cum *Kartikapalli*): Is it the willingness of the owner of the 20 acres to part with the land that prompted the enquiry by Government?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes, that induced the Government to *start* the enquiry?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I take it that Government will start investigation whenever owners of properties offer their properties for sale to Government?

MR. A. KUMARA PILLAI (*Secretary to Government*): Government wanted land for this purpose. The offer of this land was reasonable and the land seemed suitable.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What was the reasonableness in the offer?

MR. A. KUMARA PILLAI (*Secretary to Government*): His demand was fair and the land was suitable. It was level ground and it was near the road.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : So, whenever level grounds near the roads are offered for sale, Government would start enquiries ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : The locality is a healthy locality.

These are hypothetical questions Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Who reported as to the healthy nature of the locality ?

MR. A. KUMARA PILLAI (*Secretary to Government*): The Chief Engineer.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is he an expert to give opinions on questions of health ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : He has given his opinion from his observation as a man of common sense.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Who is the owner of the 20 acres offered for sale ?

MR. A. KUMARA PILLAI (*Secretary to Government*) Sankarathil Mathew Mathai.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Does he say that the owner or owners of the rest of the land are prepared to sell their portion of the land ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : No ; he does not say anything with regard to that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Has he fixed any price for his land ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : That information is not now available.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Has the Inspecting Medical Officer inspected other sites also ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Which is the site that he considers best ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : The site is Atirankal in Enatimangalam.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Have the Government asked any of their officers to ascertain the details asked for in part (*b*) of the question ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : The Committee appointed for the purpose will consider all those points.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Have they been asked to consider these points also ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : They have not been specifically asked to consider these points.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What are the points that they have been asked to consider ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : They have been asked to select a site for this purpose.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Have they not been directed to report upon specific points ?

MR. A. KUMARA PILLAI (*Secretary to Government*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): When was the Committee appointed?

MR. A. KUMARA PILLAI (*Secretary to Government*): In September 1932.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Who are the members of the Committee?

MR. A. KUMARA PILLAI (*Secretary to Government*): Dr. Noble, the Chief Engineer and the Quilon Peishkar.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it after the inspection of the sites by the Inspecting Medical Officer that this Committee was appointed?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know whether Dr. Noble holds any office under Government.

MR. A. KUMARA PILLAI (*Secretary to Government*): He was a member of the Medical Board.

PRESIDENT: You are getting away from your point, Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it because there was none in our Health Department competent to advise Government on this matter that Dr. Noble was chosen?

PRESIDENT Again, you are going away from the question. You are cross-examining the member. I must ask you not to do so.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): The member stated that it was reported by the Inspecting Medical Officer that the site Atiramkal was the best available for this purpose. Are there not lands available in the neighbourhood?

MR. A. KUMARA PILLAI (*Secretary to Government*): That information is not now avilable.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): In answer to part (*h*) it has been stated that the Dewan inspected the place in the company of the member and Mr. E. V. Krishna Pillai. Has the Dewan recorded his opinion?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What is it, please?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is confidential.

Choosing of a site for the leper asylum.

62. **MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state.

(*a*) the particular sites under their consideration for the shifting of the leper asylum;

(*b*) whether the merits of the particular sites have been examined with reference to the following points:—

(i) the nature of the locality from the standpoint of health;

(ii) the absence of much habitation;

(iii) the proximity of churches, mosques, temples, markets schools and other places of public resort;

(iv) easy approach from the main road and a reasonable distance from it;

(v) fertility of the soil;

(vi) availability of Government lands for the present buildings and prospective development; and

(vii) the public protests received; and

(c) if the answer to part (b) is in the affirmative, whether they will place before the House the information so collected with regard to each of those sites?

MR. A. KUMARA PILLAI (*Secretary to Government*): (a) to (c) The member is referred to the answer to interpellation No. 72

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In answer to this question, I am referred to the answer to interpellation No. 72. Is it because the questions are the same that the answer also is the same?

MR. A. KUMARA PILLAI (*Secretary to Government*): The points raised are the same and the answers also are the same.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I want to know, whether the merits of the particular sites have been examined with reference to the following points *viz*., the suitability of the locality from the standpoint of health, the absence of much habitation, the proximity of churches, mosques, temples, markets, schools and other places of public resort, easy approach from the main road and a reasonable distance from it, the fertility of the soil, availability of Government lands for the present buildings and prospective development and the public protests received. I want to know whether the answer to the previous interpellation make any reference to the last two points.

MR. A. KUMARA PILLAI (*Secretary to Government*): It has been stated in the answer to question No. 72, that an expert committee to enquire into the matter has been appointed. That committee will consider these points also. The committee has not yet submitted its report.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the attention of the Committee will be drawn to these points also?

MR. A. KUMARA PILLAI (*Secretary to Government*): If, on a perusal of their report, it is found that these points have not been considered, they will be asked to consider these points also.

Acquisition of land for the location of the leper asylum.

63. **MR. A. THANU PILLAI** (*Trivandrum*): Will the Government be pleased to state:

(a) whether they have decided to acquire land for the leper asylum in the Enathimangalam pakuthi of Kunnattur taluk;

(b) if the answer to part (a) is in the affirmative, (i) the area, (ii) the name of the owner, and (iii) the probable cost of acquisition of the land;

[Mr. A. Thanu Pillai].

(c) whether in Kodumon pakuthi and in Poruvazhi pakuthi of the same taluk there are Government lands which can be used for this purpose, whether such lands were inspected by the Dewan, and the area of such lands;

(d) if the answer to parts (a) and (c) are in the affirmative, why it has been decided to acquire private land; and

(e) whether advisers to Government on Public Health have inspected the areas mentioned in (a) and (c), and, if so, their opinions regarding each of those areas as to their suitability for the purpose?

MR. A. KUMARA PILLAI (*Secretary to Government*): (a) and (b) The member is referred to the answer to interpellation No. 72 asked by Mr. A. S. Damodaran Asan.

(c) There are 69·32 acres of Government land in the Kodumon Pakuthi. There was no need to ascertain the area of the land in Poruvazhi pakuthi as it was reported to be quite unsuitable. The Dewan did not inspect the lands.

(d) In view of the above answers this question does not arise.

(e) Dr. Jacocks, Honorary Adviser, Public Health, inspected the site at Kodumon and he was of opinion that the site is too small for a leper settlement and that the conditions there are favourable for malaria.

MR. A. THANU PILLAI (*Trivandrum*): Have the Government received a petition from the people of Enatimangalam in regard to acquisition of the land for this purpose?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): Will the expert committee also consider the objections raised in those petitions?

MR. A. KUMARA PILLAI (*Secretary to Government*): They will.

Report of the Public Health Department regarding the location of the leper asylum.

64. **MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state:

(a) whether the Public Health Department was asked to inspect and report about the comparative merits of Nooranad, Attingal and Edakkad for the location of the leper asylum;

(b) if the answer to part (a) is in the negative, the reasons for the same; and

(c) whether the Public Health Department was consulted when the question of locating the leper asylum at Kodumon was under consideration?

MR. A. KUMARA PILLAI (*Secretary to Government*): (a) No.

(b) A committee consisting of the Chief Engineer, the Dewan Peishkar, Quilon, and Dr. Noble has been appointed to inspect the sites and suggest one for locating the leper asylum. There is thus no necessity to consult the Health Department now.

(c) The member is referred to the answer to part (e) of interpellation No. 63

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The answer says.

"A Committee consisting of the Chief Engineer, the Dewan Peishkar, Quilon, and Dr. Noble has been appointed to inspect the sites and suggest one for locating the leper asylum. There is thus no necessity to consult the Health Department now"

Which is the Department now responsible to Government for the health of the State?

MR. A. KUMARA PILLAI (*Secretary to Government*): The Sanitary Department.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What are the functions of the Health Department?

MR. A. KUMARA PILLAI (*Secretary to Government*): That Department has just been organised, as an experimental measure.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the Honorary Adviser for health or his assistant been consulted with regard to this question of locating the leper asylum?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know why he was not consulted with regard to the site at Nooranad?

MR. A. KUMARA PILLAI (*Secretary to Government*): An expert committee, consisting of Dr. Noble and the Chief Engineer (who is our Sanitary Engineer) is going to consider the question. There is, therefore, no necessity to ask Dr. Jacocks or any of his assistants to consider the question.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When the Government have organised a Health Department, what was the particular reason for choosing Dr. Noble for the committee?

MR. A. KUMARA PILLAI (*Secretary to Government*): Dr. Jacocks is not always available.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has he an assistant?

MR. A. KUMARA PILLAI (*Secretary to Government*): He has one now.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it because Government considered that Dr. Noble was more competent, to consider this question, that they included him in the Committee?

MR. A. KUMARA PILLAI (*Secretary to Government*): The availability of his services was the first consideration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was not the Assistant to Dr. Jacocks available then?

MR. A. KUMARA PILLAI (*Secretary to Government*): The Government did not think of the case of the Assistant.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Why?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is left to the discretion of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there any particular reason for exercising the discretion in this manner?

MR. A. KUMARA PILLAI (*Secretary to Government*): Dr. Noble has been a member of the Medical Board, and he was appointed as a member of the committee. Since he is a doctor the Government thought that he would do well to advise the Government in this matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is the Medical Board in existence now?

MR. A. KUMARA PILLAI (*Secretary to Government*) : No.

Rules re entertainment of subordinates in the P. W. D.

65. **MR. K. KRISHNAN NAYAR** (*Pattanamtitta*): Will the Government be pleased to state:

(*a*) whether there are any specific rules and Government orders governing initial entertainment and promotion in the ministerial establishment of the Travancore Public Works Department;

(*b*) if so, whether they will place on the table copies of such rules and orders; and

(*c*) whether they adhere to those rules and orders with regard to appointments and promotions?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*);

(*a*) Yes.

(*b*) A copy * of the rules governing initial appointments and promotions in the ministerial establishment of the P. W. D. is appended

(*c*) Yes, except in short vacancies when promotions are granted to senior men on the spot, or in special cases in the interest of service.

Appointment of Mr. Ramachandra Rao as Division Assistant.

66. **MR. JOSEPH KUNJU** (*Changanachery* cum *Peermade*) : Will the Government be pleased to state;

(*a*) whether Mr. M. Ramachandra Rao, Municipal President, Trivandrum, has been recommended for appointment as a Division Assistant;

(*b*) whether he has had, at any time, any experience in the Revenue and Magisterial Departments;

(*c*) if so, what;

(*d*) whether there is any rule that only those who have experience in Revenue and Magisterial Departments should be appointed as Division Assistants; and

(*e*) if so, whether Mr. Ramachandra Rao is not now appointed in contravention of that rule?

MR. K. GEORGE (*Chief Secretary to Government*) ; (*a*) Mr. Ramachandra Rao has been appointed as an Ag. Division Assistant.

(*b*) No.

(*c*) This does not arise in view of the answer to part (*b*) above.

(*d*) There is no such rule.

(*e*) In view of the answer to part (*d*), this does not arise.

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* *Vide* Appendix III page - iv

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പാട്ട് (ബി) റവന്യൂ മജിസ്റ്റീരിയൽ എന്നീതുറകളിൽ യാതൊരു പരിജ്ഞാനവുമില്ലാത്ത ഒരാളിനെ ഡിവിഷൻഅസിസ്റ്റൻറായി നിയമിക്കുന്നതിനുള്ള പ്രത്യേക കാരണമെന്താണ്?

MR. K. GEORGE (*Chief Secretary to Government*): Government consider him suitable for that appointment.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അദ്ദേഹത്തിൽ ഗവണ്മെൻറ് അങ്ങനെകണ്ട അസാധാരണയോഗ്യതകൾ എന്തെല്ലാമാണ്?

MR. K. GEORGE (*Chief Secretary to Government*): അസാധാരണയോഗ്യതയൊന്നുംവേണ്ട: സാധാരണയോഗ്യത മതിയല്ലോ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): റവന്യൂമജിസ്റ്റീരിയൽ എന്നീതുറകളിൽ യാതൊരു പരിജ്ഞാനവുമില്ലാത്തവരെ ഡിവിഷൻ അസിസ്റ്റൻറായി നിയമിക്കാറുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): സാധാരണ നിയമിക്കാറില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) ഇങ്ങനെനിയമിക്ക എന്നുള്ളതു് കീഴിൽപതിവുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): അങ്ങനെയുള്ള ഇൻസ്റ്റൻസ് ഉണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): സാധാരണ പതിവിന്നതാണെന്നു മെമ്പർപ്രസ്താവിച്ചു. സാധാരണയിൽ നിന്നു വ്യത്യസ്തമായി ഇങ്ങനെഒരുനയം അനുവർത്തിക്കാൻ ഗവണ്മെൻറിനെ പ്രേരിപ്പിച്ച സംഗതിയെന്താണ്.

MR. K. GEORGE (*Chief Secretary to Government*) I answered that Government considered him suitable.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഒരുചോദ്യം ചോദിച്ചാൽ അതിനുമറുപടി ഇതാണ് എന്നുപറയുകയും വേറൊരു ചോദ്യംചോദിക്കുമ്പോൾ അതിനുമറുപടി പറഞ്ഞിട്ടുണ്ടെന്നുപറയുകയും ചെയ്യുന്നതുകൊണ്ടു പ്രയോജനമൊന്നുമില്ല. അദ്ദേഹം ഈപ്ലേസിനുസൂട്ടബിളാണെന്നുകണ്ടു എന്നുപറയുന്നു. അങ്ങനെകാണത്തക്കവണ്ണം എന്തു യോഗ്യതയാണ് അദ്ദേഹത്തിനുള്ളതു്?

MR. K. GEORGE (*Chief Secretary to Government*): That is just what I said, he has passed Criminal Higher and he knows law; and he is a senior Officer.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈ ക്രിമിനൽ ടെസ്റ്റ് എവിടെയാണ് പാസ്സായത്.

MR. K. GEORGE (*Chief Secretary to Government*): Madras.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈക്രിമിനൽടെസ്റ്റ് ബി. എൽ. നെക്കാൾ വലിയപരീക്ഷയാണോ?

MR. K. GEORGE (*Chief Secretary to Government*): Many officers who are now Dewan Peishkars and Division Assistants have only that qualification.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*:) ഇദ്ദേഹത്തെക്കാൾ കൂടുതൽ യോഗ്യതയുള്ളവർ സർവ്വീസിൽ ഉണ്ടായിരിക്കുമ്പോൾ വേറൊരുതുറയിൽനിന്നും ഒരാളിനെ നിയമിക്കാനുള്ള കാരണമെന്താണ്?

MR. K. GEORGE (*Chief Secretary to Government*): കൂടുതൽയോഗ്യതയുള്ളവർ സർവ്വീസിലുണ്ടോ എന്നുനിശ്ചയിക്കേണ്ടതു ഗവൺമെന്റാണല്ലോ. I said that he is suitable for the post; he has law qualification and he is a senior officer.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*). ഇദ്ദേഹത്തെക്കാൾ കൂടുതൽയോഗ്യതയുള്ളവർ സർവ്വീസിലില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*): എല്ലാസംഗതികളും നോക്കിവേണമല്ലോ യോഗ്യതനിശ്ചയിക്കാൻ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഏതുതുറയിലാണ് അദ്ദേഹം സീനിയർആഫീസറായി ഇരുന്നിട്ടുള്ളതു ?

MR. K. GEORGE (*Chief Secretary to Government*): He was an Assistant Account Officer.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): സാധാരണവല്ല അസിസ്റ്റന്റ് അക്കൗണ്ടാഫീസർമാരെയും ഡിവിഷൻ അസിസ്റ്റന്റായി നിയമിച്ചിട്ടുണ്ടോ?

PRESIDENT: Is he developing a general argument.

MR. K. GEORGE (*Chief Secretary to Government*): He wants previous instances. മുമ്പിങ്ങനെ നിയമിച്ചിട്ടുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ആരെയാണ് അങ്ങനെ നിയമിച്ചിട്ടുള്ളത്?

MR. K. GEORGE (*Chief Secretary to Government*): പേഷ്കാർ മി. എൻ. നീലകണ്ഠപിള്ളയെ അങ്ങിനെ നിയമിച്ചിട്ടുണ്ട്.

MR. JOSEPH KUNJU (*Changanachey* cum *Peermade*) : അദ്ദേഹം റവന്യൂതുറയിൽ പരിചയമില്ലാതിരുന്ന ഒരാളാണോ?

MR. K. GEORGE (*Chief Secretary to Government*): പല തുറകളിലും പരിചയമുണ്ടായിരുന്ന ആളാണ്.

MR JOSEPH KUNJU (*Changanachey* cum *Peermade*) : ആസ്ഥിതിക്കു റവന്യൂമജിസ്റ്റീരിയൽ എന്നീതുറകളിൽ യാതൊരു പരിചയവുമില്ലാത്ത രെസിസ്റ്റൻറ് അക്കൌണ്ടാഫീസറെ ഇങ്ങനെ നിയമിക്കാനുള്ള കാരണമെന്താണ്?

MR. K. GEORGE (*Chief Secretary to Government*): ചോദ്യം കേട്ടില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അസിസ്റ്റൻറ് അക്കൌണ്ട് ആഫീസറായിരുന്നു എന്നുള്ള യോഗ്യതമാത്രം വച്ചുകൊണ്ട് ആരെയെങ്കിലും ഡിവിഷൻ അസിസ്റ്റൻറായി നിയമിച്ചിട്ടുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): മി. കപ്പാഴം രാമൻപിള്ളയെ നിയമിച്ചിട്ടുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : അദ്ദേഹത്തിനു റവന്യൂതുറയിലും മജിസ്റ്റീരിയൽ തുറയിലും പരിജ്ഞാനമില്ലാതിരുന്നോ?

MR. K. GEORGE (*Chief Secretary to Government*) : അതു നിശ്ചയമില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഈ ഉദ്യോഗസ്ഥനെ റവന്യൂതുറയിലേക്കോ മജിസ്റ്റീരിയൽ തുറയിലേക്കോ അയക്കരുതെന്നു വല്ലപ്പോഴും ഗവൺമെൻറു തീരുമാനിക്കയോ അഭിപ്രായപ്പെടുകയോ ചെയ്തിട്ടുള്ളതായി മെമ്പർക്കറിയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*) : അങ്ങിനെ റിക്കാർഡിൽ ഒന്നും കാണുന്നില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : എൻെറ ചോദ്യം റിക്കാർഡിൽ കാണുന്നുണ്ടോ എന്നല്ലാ, മെമ്പർക്കറിയാമോ എന്നാണ്;

MR. K. GEORGE (*Chief Secretary to Government*) : റിക്കാർഡിലില്ലാതെ എങ്ങിനെയാണ് അറിയുക?

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മെമ്പർക്കു തറിയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*) : അറിഞ്ഞുകൂടാ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermad*): ഈ ഉദ്യോഗസ്ഥനു മലയാളം അറിയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*) : ഇപ്പോറം അറിയാമെന്നാണ് തോന്നുന്നതു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : മലയാളത്തിൽ എഴുതാനും വായിക്കാനും ഈ ഉദ്യോഗസ്ഥനറിയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*) : നിശ്ചയമില്ല. I claim notice.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഡിവിഷൻ അസിസ്റ്റൻറന്മാക്കു ക്രിമിനൽകേസ് വിസ്തരിക്കേണ്ട ആവശ്യമില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*): ഉണ്ട്.

MR. JOSPEH KUNJU (*Changanacherry* cum *Peermade*). സാക്ഷിമൊഴികറം രേഖപ്പെടുത്തേണ്ട ആവശ്യമില്ലേ?

MR. K. GEORGE (*Chief Secretary to Governmeni*) : ഉണ്ട്

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) സാധാരണ വക്കീലന്മാർ ക്രാസ് ചെയ്യുന്നതും, സാക്ഷിയും പ്രതിയും അതിനുത്തരം നൽകുന്നതും മലയാളത്തിലായിരിക്കുമല്ലോ. അതുരേഖപ്പെടുത്തുന്നതിന് അറിയാമോ പാടില്ലയോ എന്നു നിശ്ചയമില്ലാതെ ഗവൺമെൻറു് എങ്ങിനെയാണ് ഈ ഉദ്യോഗസ്ഥനെ നിയമിച്ചതു്?

MR. K. GEORGE (*Chief Secretary to Government*) : ആവശ്യത്തിനുമാത്രം മലയാളം അദ്ദേഹത്തിനറിയാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മെമ്പക്കു് അതു നല്ലനിശ്ചയമില്ലെന്നാണല്ലോ മുമ്പേപറഞ്ഞതു്.

MR. K GEORGE (*Chief Secretary to Government*) : മലയാളത്തിൽ നല്ലപരിജ്ഞാനമുണ്ടോ എന്നു അന്വേഷിച്ചിട്ടില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മലയാളം എഴുതാൻ അറിയാതെ സാക്ഷിമൊഴി രേഖപ്പെടുത്താൻ സാധിക്കുകയില്ല. അതിനു നിവൃത്തിയില്ലാത്ത ഒരാളിനെ എന്തുകൊണ്ടാണ് ഒരു ഡിവിഷൻ അസിസ്റ്റൻറായി നിയമിച്ചത്?

PRESIDENT: We do not want to hear your comments. Ask questions if you have any.

MR. K. GEORGE (*Chief Secretary to Government*): ഡിവിഷൻഅസിസ്റ്റൻറു ജോലിക്കാവശ്യമുള്ള സകലപരിജ്ഞാനവും അദ്ദേഹത്തിനുണ്ടെന്നാണ് എൻെറ അഭിപ്രായം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അതു് എൻെറ ചോദ്യത്തിൻെറ മറുപടിയല്ല സാക്ഷിമൊഴി രേഖപ്പെടുത്തത്തക്കവണ്ണമുള്ള ഭാഷാപരിജ്ഞാനം അദ്ദേഹത്തിനുണ്ടോ എന്നാണ് എൻെറ ചോദ്യം.

MR. K. GEORGE (*Chief Secretary to Government*): That is all I can say.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): സാക്ഷിമൊഴി മുഴുവൻ ഒരു മജിസ്ട്രേട്ട് എഴുതേണ്ട ആവശ്യമില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*): മജിസ്ട്രേട്ടു അതുമുഴുവനും എഴുതണമെന്നില്ല. നോട്ട്സ് മാത്രം എഴുതിയാൽ മതി.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അപ്പോൾ അദ്ദേഹത്തിനു മലയാളത്തിൽ യാതൊന്നും എഴുതേണ്ട ആവശ്യമില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*): വേറെരാളിനെ കൊണ്ടെഴുതിച്ചാൽ മതി. മലയാളം കേട്ടാൽ അദ്ദേഹത്തിനറിയാം. അതുകൊണ്ടു നോട്ട്സ് എടുക്കാൻ സാധിക്കും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മെമ്പറുടെ മറുപടികൊണ്ടുതന്നെ കൂടുതൽ മനസ്സിലാക്കാൻ സാധിക്കുന്നുണ്ട്. അതുകൊണ്ടു കൂടുതൽ മറുപടി വേണമെന്നില്ല. മി. രാമചന്ദ്രറാവു ക്രിമിനൽടെസ്റ്റ് പാസ്സായിട്ടുണ്ടെന്നു പറഞ്ഞല്ലോ. അതുപാസ്സായിട്ട് എത്ര കൊല്ലമായി?

MR. K. GEORGE (*Chief Secretary to Government*). എട്ടൊൻപതു കൊല്ലമായി.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*). അദ്ദേഹം സർവീസിൽ കയറിയ ശേഷമാണോ പാസ്സായതു്?

MR. K. GEORGE (*Chief Secretary to Government*): അതേ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അദ്ദേഹം ക്രിമിനലായി എന്നെങ്കിലും ജോലി ചെയ്തുകൊണ്ടിരുന്നോ?

MR. K. GEORGE (*Chief Secretary to Government*): ഇല്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): റവന്യൂ മജിസ്റ്റീരിയൽ വകുപ്പുകളിൽ വളരെ നാളായി ജോലി ചെയ്തുകൊണ്ടിരിക്കുന്നവരുടെയിടയിൽ ഈസ്ഥാനത്തിന് ന്യായമായ അവകാശികളില്ലായിരുന്നുവോ?

MR. K. GEORGE (*Cheif Secretary to Government*): തഹശീൽദാരന്മാർ ഉണ്ടായിരുന്നു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): സാധാരണമായി ഹജൂർ അസിസ്റ്റന്റു സെക്രട്ടറിമാരിൽനിന്നും തഹശീൽദാർമാരിൽ നിന്നുമാണോ ഡിവിഷൻ അസിസ്റ്റന്റന്മാരെ നിയമിക്കുക പതിവു?

MR. K. GEORGE (*Chief Secretary to Government*): തഹശീൽദാരന്മാരെനിയമിക്കുന്ന പതിവുണ്ട്. അസിസ്റ്റന്റു സെക്രട്ടറിമാരെ സാധാരണ ഇങ്ങനെ നിയമിക്കുന്ന പതിവില്ല.

MR. JOSEPH KUNJU (*Changganachery* cum *Peermade*): സാധാരണ ആദ്യം മജിസ്ത്രേട്ടന്മാർക്കു ൩-ാം ക്ലാസ് മജിസ്ത്രേട്ടധികാരമല്ലാതെ ഒന്നാം ക്ലാസ്മജിസ്ത്രേട്ടധികാരം കൊടുക്കാറുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): മുൻസിഫ് മജിസ്ത്രേട്ടന്മാർക്കു ആദ്യമേതന്നെ ഒന്നാംക്ലാസ് മജിസ്ത്രേട്ടധികാരമാണ് കൊടുക്കുന്നത്. സാധാരണ ഹൈക്കോടതിയിലെ ഒരു ക്ലാർക്കിനെ മുൻസീഫ്-മജിസ്ത്രേട്ടായി നിയമിച്ച് ഒന്നാംക്ലാസ് അധികാരവും കൊടുക്കുന്നുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): റവന്യൂ മജിസ്റ്റീരിയൽ എന്നീതുറകളിൽ യാതൊരു പരിചയവുമില്ലാത്തവരെ ഡിവിഷൻ അസിസ്റ്റന്റായി നിയമിക്കുന്നതുകൊണ്ട് വിരോധമില്ലെന്നു പറഞ്ഞു.

MR. K. GEORGE (*Chief Secretary to Government*): അങ്ങിനെ ഒന്നും ഇല്ലെന്നു പറഞ്ഞതേയൊള്ളൂ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇതിനമുന്യായമായി കിട്ടേണ്ടപലരും ഡിവിഷൻഅസിസ്റ്റന്റു സ്ഥാനത്തിനപേക്ഷിച്ചപ്പോൾ അവർക്ക റവന്യൂമജിസ്റ്റീരിയൽ പരിജ്ഞാനമില്ലാത്തതുകൊണ്ടു നിയമിക്കുന്നതല്ല എന്നു ഗവണ്മെന്റു പറഞ്ഞിട്ടുണ്ട്. അതു വെറും കളവും, അബദ്ധവുമാണെന്നാണോ വിചാരിക്കേണ്ടതു?

MR. K. GEORGE (*Chief Secretary to Government*): He asked whether the statement by Government, that they give representation to the various communities is not a false statement ?

PRESIDENT: He is not in order.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മുൻസിഫന്മാർക്ക ഒന്നാംക്ലാസ് മജിസ്ട്രേട്ടധികാരം കൊടുക്കുന്നുണ്ടെന്നു പറഞ്ഞു, അവർ ബി. എൽ. പാസ്സായവരായിരിക്കയില്ലേ?

MR. K. GEORGE (*Chief Secretary to Government*): ആയിരിക്കും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ബി. എൽ പാസ്സായവരായതുകൊണ്ടല്ലേ ഒന്നാംക്ലാസ് മജിസ്ട്രേട്ടധികാരം കൊടുക്കുന്നതു?

MR. K. GEORGE (*Chief Secretary to Government*): ഒന്നാംക്ലാസ് മജിസ്ട്രേട്ടന്മാരിൽ ഇന്നു സർവ്വീസിലിരിക്കുന്ന പലരും ബി. എൽ പാസ്സാകാത്തവരാണ്. ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ടന്മാരുടെ കൂട്ടത്തിൽപോലും ബി. എൽ. പാസ്സാകാത്തവരുണ്ടു.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ക്രിമിനൽ ടെസ്റ്റ് ബി. എൽ. തത്തുല്യമായിട്ടാണോ വിചാരിക്കുന്നതു?

MR.. K. GEORGE (*Chief Secretary to Government*): സിവിൽജൂഡിഷ്യറിക്കു ബി. എൽ. അത്യാവശ്യമാണ്; ക്രിമിനൽ ജൂഡിഷ്യറിക്കു ക്രിമിനൽടെസ്റ്റ് പാസ്സായവർ മതി.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പ്ലീഡർഷിപ്പ് പാസ്സായവരെയും മജിസ്ട്രേട്ടായി നിയമിക്കുമോ?

MR. K. GEORGE (*Chief Secretary to Government*): സർവീസിൽ അങ്ങിനെയില്ല.

PRESIDENT: The member is getting into a general discussion.

Encouragement of co-operative institutions in the State.

67. **MR. M. N. NARAYANA MENON** (*Kottayam*): Will the Government be pleased to state:

(a) whether a deputation on behalf of the Travancore Co-operative Institute waited on them on the 18th Edavam 1106;

(b) if so, whether anything has been done in accordance with their representation;

(c) whether they had requested that co-operative movement in general, and non-official institutions in particular, should be encouraged; and

(d) if so, whether anything has been done accordingly?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(a) Yes.

(b) Government have ordered that the representations should be referred to the Committee on co-operation to be constituted shortly.

(c) Yes.

(d) *Vide* answer to part (b) *supra.*

Disbursement of agricultural loans through co-operative socieites.

68. **MR. M. N. NARAYANA MENON** (*Kottayam*): Will the Government be pleased to state:

(a) whether the Banking Enquiry Committee, the Economic Depression Enquiry Committee, the Registrar of Co-operative Societies and non-official institutions have requested the Government that a portion of the agricultural loans granted by them every year should be disbursed through co-operative societies; and

(b) if so, whether they have done anything accordingly?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(a) Yes.

(b) Government have ordered that the matter should be referred to the Committee on co-operation to be constituted shortly.

Encouragement of non-officials in co-operative movement.

69. **MR. M. N. NARAYANA MENON** (*Kottayam*): Will the Government be pleased to state:

(a) whether their attention has been drawn to paragraph 5 of the Administration Report for 1106, wherein the Registrar of Co-operative Societies has stated that non-officials should be encouraged in co-operative movement;

(b) whether non-officials have requested the Government to afford adequate encouragement to the Travancore Co-operative Institute; and

(c) if so, whether anything has been done accordingly?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(a) Yes.

(b) Yes.

(c) Government have ordered that the matter should be referred to the Committee on co-operation to be constituted shortly.

MR. M. N. NARAYANA MENON (*Kottayam*): ഈ കമ്മററി എന്നുജോലിതുടങ്ങുമെന്നു പറയാമോ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): അധികം കാലതാമസം കൂടാതെ തുടങ്ങും. അതായതു് അടുത്തജനുവരി ആദ്യം ജോലിതുടങ്ങുമെന്നാണ് വിചാരിക്കുന്നതു്.

MR. M. N. NARAYANA MENON (*Kottayam*): തീർച്ചയായി പറയാമോ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): ഉത്തരവയച്ചു കഴിഞ്ഞിട്ടില്ലാത്തതിനാൽ ഇപ്പോൾ ഇത്രയേപറയുവാൻ തരമുള്ളു.

Legislative Business.

THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

PRESIDENT : The House was discussing Mr. K. P. Nilakanta Pillai's amendment to Section 46 of the Jenmi and Kudiyan Regulation Amendment Bill.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, yesterday, I was telling the House that from various points of view it would be advantageous to both the parties to fix the price of paddy for commutation. If that is not fixed, it may lead to confusion in the collection of jenmikaram; because, under the Regulation the Kudiyan is entitled to pay the jenmikaram in kind if the commutation price is not fixed. If another agency, a committee, is to be appointed for this purpose, we do not know how they are going to work and what method they are going to adopt and whether they would not change the rate from time to time according to the market price. It is certainly not easy for any agency to ascertain the correct market price. The House can very well imagine the difficulty in the matter. The Kudiyan has to pay in kind, under the Regulation only in the pakuthi where the land is situate. The Revenue authorities may not be prepared to receive the payment in kind at the convenient place. The Jenmi will have to bear the transport charges also. All these difficulties have to be considered.

Have the Revenue authorities got granaries? The Jenmis themselves have not got granaries. All these questions may arise if it is paid in kind. Therefore from the point of view of the Kudiyans, Jenmies and Government, a lot of unnecessary trouble would be saved if the commutation price of paddy is fixed.

There is another aspect also which I want to emphasise. I ask why the Government at this time took up the responsibility of collecting the Jenmies' dues from the kudiyans. It is certainly not for safeguarding

[Mr. K. P. Nilakanta Pillai.]

the interests of the jenmi community that the Government undertook this additional task. It is for the safety and welfare of the people of the State that the Government undertook this heavy task. The jenmies ought to consider that fact also. Otherwise it is not necessary on our part to support the measure by which Government are asked to take upon themselves the heavy responsibility of collecting the dues from the kudiyans. Why should the State undertake that? Why should the representatives of the people support such a proposition when mooted by Government? We supported it because we thought it was a corollary to what we have already passed. We supported it on the understanding that they will agree to the commutation rate of paddy. The consideration which prevailed with the Government was the general prosperity of the people of this State as a whole, jenmies not excluded. Even with reference to the alternative proposals suggested, namely the creation of an agency for the publication of *nirak* rates, that procedure was condemned by the Raman Tampi Committee which went into the whole question. In Madras too, both the Madhava Row Committee and Sir Charles Turner have condemned it. I may be allowed to quote one or two sentences from the report of the Madras Committee.

" In the Madhava Row Committee's Bill, there was a provision for the framing of price lists showing the market price of the produce at the taluk head-quarters for twenty years prior to the commencement of the Act, as well as for annual price lists thereafter. The price lists were declared to be conclusive evidence of the facts stated therein. On this, Sir Charles Turner commented that, so far as his experience went, the lists of prices published in official gazettes were not by any means so reliable evidence of the prices ruling in a particular taluk as the ledgers of the grain dealers. He added that if the price of produce was to enter as a factor in the commutation of rent, it should be the price ascertained as paid in the place where the land is situated and not the price at a market which might be distant, 40 or 50 miles, and where the price might be enhanced by the cost of carriage and by the profits of the middlemen."

So even there that is approved as a measure which will alleviate the situation. From our experience of the situation in the country, we find that these lists are prepared recklessly and carelessly without any responsibility. Therefore, from the point of view of kudiyans, these *nirak* rates are very dangerous. We were protesting against that from the very time we mooted for this amending regulation. Therefore there is no question of acting upon the *nirak* rates now published in the *Gazette*. I think the jenmies also will agree with that. The price of paddy now existing locally is 11 chs. or 10 chs. But according to the rates published in the *Gazette* it is 17 chuckrams or to be exact 16 and 3/4 chuckrams.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The member's statement relates to the past. About the future will the member be satisfied if an efficient arrangement is made for the publication of the proper nirak rates?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : What is the arrangement ? With reference to the civil courts acting upon this nirak rates, in many cases miscarriage of justice has taken place.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With reference to the nirak rates will the member be satisfied if efficient arrangements are made for the ascertainment and publication of the rates, in the future?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is a very embarassing question. I cannot answer it in any way unless the member says what efficient arrangements will be made. With reference to the existing Regulation we know what efficient arrangements have been made.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will make my point clear. We are not concerned just now with a criticism of the past nirak rates. The question is what should be the rate in the future. With reference to that I am asking whether it will be enough if efficient arrangements are made for the ascertainment and publication of the nirak rates in the future.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); What is the efficient arrangement for the future?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He can speak on that also, Sir. He may make suggestions with respect to that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If the Law Member is not able to tell me what the efficient arrangement will be, I cannot answer his question.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Does the past experience warrant the member to take the future to be efficient?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to the past we are greatly suffering from the agency that was set up. But with reference to the future this is the time for us to safeguard the future. It is possible to fix some definite rate. That is the reason why I am moving the amendment. Yesterday I was trying to have some commutation rate of paddy. The kudiyans on the one hand do not want to make any gain. The jenmies also on the other hand do not want to make any gain. Anyhow, we have settled ourselves with the jenmies on every item of transactions between the jenmies and kudiyans.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know whether the member is for having 13 chuckrams in the absence of any machinery to correctly ascertain the market-price? I am asking that to know what the real position of the member is.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have considered all that. I have magnanimously offered 13 chuckrams. I depend upon the magnanimity of the jenmi members to choose this. Hereafter we do not want to be afflicted by anything that the Government may do. The prices may vary. Today it may be 2 fanams. Tomorrow it may be 3 fanams.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): With reference to the observation of the member, that he does not want to take any undue advantage over the jenmies, I would like to ask him whether he is prepared to accept a yearly fixing of the rate of commutation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even with reference to that, I was drawing the particular attention of the member to the fact that great inconvenience will be caused by this agency. With reference to the particular efficient agency now existing, kudiyans find it incorrect and the jenmies alone get the advantage. Are we not entitled to pay it in kind? I ask whether Government will be prepared to receive it in paddy if we are not willing to accept the nirak rate. I ask whether the revenue authorities will be prepared to do that. According to the kudiyans the nirak rate is unsatisfactory. So we want to pay it in kind. I ask whether the land revenue authorities are prepared to receive it in kind.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The kudiyans are not entitled to pay in kind once the Government take over the collection of jenmikaram.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is the reason why all this trouble arises. Otherwise what is the difficulty?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): At least as an academical proposition is the member prepared to asent to what I suggested?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am prepared to pay the market price.

The only difficulty is about ascertaining the market rate.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the member's position that in future he is prepared to accept a yearly fixing of the market rate?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the agency that will find it out? That again leads to some other complicated question. Suppose it is a committee. Who are the persons that would make up the committee? I think it will contain persons like the Dewan Peishkar. It is only natural for us to expect that the Dewan Peishkar will not go into the pakuthies to determine the price of paddy at harvest time from the people. Where will he get the information? He will get it at the headquarters. Even in that case the kudiyans are entitled to a reduction of 15 or 20 per cent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it possible for any human being or human body to ascertain the market rate?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is possible.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it is possible, then may I ask the question whether the

member is agreeable to pay the jenmi the paddy at the market rate ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The market rate can be ascertained only at the prices, that is, at the figures which the kudiyans will be called upon to pay if a 15 per cent. reduction is made from the market rate.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At least as an academical proposition, may I ask whether the member is prepared to pay the jenmi at the market rate ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the market rate ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That will be ascertained. The term market rate conveys a distinct meaning.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I differ with respect to the meaning of the word 'market rate'. I am prepared to accept the market rate *minus* a reduction of 15 or 20 per cent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So the member's position is that he is willing to pay at the market rate *minus* 15 per cent. He is not willing to pay at the market rate ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*). I am making a reduction because costs of transportation, etc., have to be included. It is unreasonable to expect the kudiyan to pay for all that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not concerned about the reasonableness or unreasonableness; I am only concerned to know the position of the member.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Beyond the figures given by the trader, no more enquiry is made for finding out the actual price of paddy. Even after this Regulation comes into force, we will find that we are not in a position to know the market rate. The clever trader will be able to put up the prices if the jenmi wants him to do so. In the case of the kudiyan he may reduce the prices. It is possible to imagine an ideal state of affairs for collecting market rate if the figures are real figures. Then there will be no difficulty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think Mr. Nilakanta Pillai has understood the real point of my question. I am not saying that the market rate published now in the *Government gazette* should be accepted. I am asking whether he will accept if a correct market rate is ascertained and published by an efficient agency. That should not be confused with the nirak rate *now* published in the *Travancore Government Gazette*.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If a reduction of 15 or 20 per cent. in the market price can be made, I have no objection. With these words, I place the motion before the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, I rise to second the amendment moved by Mr. Nilakanta Pillai.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I think Mr. Nilakanta Pillai has moved only the first part of the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I shall read the amendment. It runs as follows :—

The commutation rate of paddy for the purpose of this Regulation shall be 13 chuckrams for the standard para.

PRESIDENT : That means it will be fixed for ever.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes, unless, of course, it is changed by legislation.

Sir, the greatest objection towards any yearly settlement by any agency that may be created is the cumbrous nature of the procedure involved therein. Of course one can understand that when there will be violent changes in the price of paddy. If there is going to be violent change with regard to the price of paddy, it is beneficial both for the jenmi and the kudiyan to fix the market rate yearly. From what we know, if we fix this rate it may be a bit hard on the kudiyan as the price of paddy is at present. But the advantage gained by him is that a fixed rate is obtained and he is not dependent upon the will of any committee or any procedure which may tend to go one way or the other. I think a fixed rate is advantageous both to the jenmi and the kudiyan if they are prepared to take an accommodating attitude and think that there is not going to be much of sacrifice to be made on either side. I think that the price of paddy may be fixed at 13 chuckrams till necessary change is effected by way of legislation. It has been found by such an expert body as the Economic Depression Enquiry Committee that it is not very likely that the price of paddy will go up to the very high level that it occupied some time ago. They have reasons to say that. They have said that it is the produce of the Burma rice grower that determines the price of paddy in Travancore.

Burma has various rice markets and owing to the larger amount of production, it can compete with countries of Western Europe and Eastern Japan in the matter of rice, unless, of course, we think that countries like Italy, Spain and other countries give up their rice cultivation at once and Japan also gives up her rice cultivation. Burmese rice will be coming to Travancore and it will be the dominating factor which will determine the price of paddy here. It has been pointed out that in 1931, as much as 3½ tons of paddy were available for export into Travancore. But only 50 per cent. of it was actually exported to Travancore owing to the rebellion in Burma. So there is the likelihood of paddy going down in price ; this, the jenmi members ought to know. I am quite sure that the price of paddy may go much lower than it is at present. I may assure the House, that the kudiyan is not making this proposal, because

it will be advantageous to him. I think, if we consider the interests of the kudiyan in a short-sighted way as to the possibility of payment at 13 chackrams or less, the greater possibility is that he may have according to any committee which is set up for decision only a lesser amount to pay in all probability. If conditions do not undergo a change, if world conditions stand as at present with regard to agricultural products, I do not think for a moment that it is possible violent changes may come in and the price of paddy may rise all on a sudden, to an inordinately higher level. That fact has to be noted, when we try to fix a rate. As the Law Member stated, if an efficient agency could be found to fix the *nirak* rate of paddy, which I think is very difficult, in case any committee is to be formulated, it will be only a cumbersome machinery. I am not sure whether that committee will be able to decide the *nirak* rate of paddy which may sometimes be iniquitous to the jenmies and sometimes to the kudiyans. There is that possibility to both sides. To avoid all that, at this time, certainly, a fixed rate of 13 chuckrams, I think, is just, both to the jenmies and kudiyans, all things considered. Throughout the discussion of this bill which is anxiously awaited by the country, I think, one point has been borne out by the members, both jenmies and kudiyans. There must be some amicable settlement between the jenmi and the kudiyan so that there will not be bitterness of feeling. That spirit has been existing. As between the jenmi and the kudiyan, sacrifices have been made by both sides. A spirit of accommodation has been exhibited by both sides and we are very proud to say that it has been possible, on account of this spirit both on the side of the jenmi and the kudiyan, for us to come to a uniform agreement on all points except this. The jenmi members ought to look into this question and should see whether they are going to break on this point whether they will consider all things with a long vision and in the ultimate interests of harmony to the two sections. Will it not be possible for them to come to an agreement with regard to the fixing of the nirak rate of paddy? If we do that, it will be good. Otherwise, we will have to fall back on the only alternative, namely, to institute a cumbrous machinery to fix the rate which will be sometimes advantageous to the jenmi and disadvantageous to the kudiyan. It is equally possible the other way also. Fixing of nirak rate will be disadvantageous to the jenmi and advantageous for the kudiyan. Are we going to risk this on such a gamble or are we satisfied, all things considered, to come to an agreement with regard to 13 chuckrams rate.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The member stated that if jenmies approached the question in an accommodating spirit and agree to fix the nirak rate at 13 chuckrams, everything would be good. Suppose they do not approach the question in that spirit, is it the member's view that it will be wise and expedient to force the 13 chuckrams rate on the jenmies?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not think, for a moment, that it is in the interest of the kudiyan that he should force it, Because, kudiyans stand to lose.

MR. E. V. KRISHNA PILLAI *(Kottarakara cum Kunnattur)*: Is it right on the part of the House as a business body, Council is a responsible body no doubt, to force it on the jenmies?

MR. K. KUNJUKRISHNA PILLAI *(Quilon)*: I do not think it will be right to force this proposition. This is a serious matter.

MR. E. V. KRISHNA PILLAI *(Kottarakara cum Kunnattur)*: If the House feels very much convinced of the justice of this solution, why not force this on the jenmies? Does not the House think that by opposing such a measure, the jenmies will be following a ruinous course? Is it not the duty of this House to thrust this upon them under such circumstances?

MR. K. KUNJUKRISHNA PILLAI *(Quilon)*: I take it, the jenmi knows his interest much better than any of us, either individually or collectively. He must be presumed to know his necessity and I think he must be the best judge of his own interests. If he is not prepared to accept the proposition of the kudiyan, this council is not going to thrust it down the unwilling throat of the jenmi.

MR. E. V. KRISHNA PILLAI *(Kottarakara cum Kunnattur)*: What will be the probable ground for the jenmies to take objection to fix a 13 chuckrams rate?

MR. K. KUNJUKRISHNA PILLAI *(Quilon)*: They can take a very bold stand as the kudiyans may take a stand that the price of paddy will be fluctuating daily. It may come to eight fanams or even go up to 10 fanams a para next year. They may believe so and contend like that. Under that circumstance, nobody can convince them, as matters stand. My request is that if the jenmies can look without prejudice on this fixing at 13 chuckrams rate ultimately they will think that they did wisely in coming to an agreement. If they leave it to the committee, they may have to regret it, which they will find to their cost at some time. I am convinced that it is not at all likely that the price of paddy may go up much higher.

MR. E. V. KRISHNA PILLAI *(Kottarakara cum Kunnattur)*: That is, not more than 13 chuckrams will be the price of paddy.

MR. K. KUNJUKRISHNA PILLAI *(Quilon)*: Yes. It will be in the interest of both the jenmies and the kudiyans to arrive at a settlement. It will also conduce to clear legislation and harmony.

MR. E. V. KRISHNA PILLAI *(Kottarakara cum Kunnattur)*: If that is accepted, will it harm the jenmies in any way?

MR. K. KUNJUKRISHNA PILLAI *(Quilon)*: No harm would result to the jenmi. I think it is very good for both, the jenmies and kudiyans. It is much better than a committee deciding the question every year.

MR. KAYALAM PARAMESVARAN PILLAI *(Additional Head Sirkar Vakil)*: Will opinions differ on that point?

MR. K. KUNJUKRISHNA PILLAI *(Quilon)*: May be. But this 13 chuckrams rate is just and equitable, all things considered.

MR. K. GOPALAKRISHNA PILLAI *(Parur)*: If the price of paddy goes down, will it not be possible for this House to make an amendment?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Not only when the price goes up, but also when it comes down, it will be possible for the jenmies to make an amendment. It will be equally possible for this House to make an amendment when the price goes down also.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Then, why not fix it now?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can be. That is what I say. I was all along pleading for fixing the commutation rate of paddy. I think I made that position clear.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I suppose, by doing so, no injustice to jenmies is committed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Far from it.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If this prosposition is forced on them, will it be an injustice?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): There is no necessity to force it down the throat of the jenmies. There may be very many good things which one may not like to be forced to do. According to me, in the interest of clear legislation as well as in the interests of every person concerned, it will be best to fix a definite rate, if that rate is not abnormally high or abnormally low. I think the rate fixed by Mr. K. P. Nilakanta Pillai is a moderate rate. With these observations, I second the amendment.

PRESIDENT: I wish to say a few words before we proceed with the matter. I think this is a very very important section and it is therefore most important that we should know the general opinion of all sides of the House on what seems to me to be three issues: firstly the rate at which commutation rate is to be fixed; secondly, the period from which any particular rate must stand; and thirdly, if the rate is to be varied after a fixed period, the agency by which this has to be done. I think it will clear the air if I call upon the movers of amendments, Nos. (58) and (59), to speak now.

MR. A. NARAYANA PILLAI (*Vaikam*): സർ, നെല്ലു നെല്ലായിട്ടു ഗവൺമെൻറു പിരിച്ചെടുക്കുന്നതല്ലെന്നും, അതിനു ഒരു വില ക്ലിപ്തപ്പെടുത്തി പിരിച്ചെടുക്കുന്നതിനാണ് ഗവണ്മെൻറു നിശ്ചയിച്ചിരിക്കുന്നതെന്നുമുള്ള സംഗതി ഇവിടെ സൂചിപ്പിച്ചുകഴിഞ്ഞു. നെല്ലിന് ഒരു സ്ഥിരമായ നിരക്കു വയ്ക്കണമെന്നാണു പൊതുജനാഭിപ്രായം. സ്ഥിരമായ ഒരു നിരക്കു വച്ചാൽ ജന്മിക്കും കുടിയാനും സ്വൈരമുണ്ടാകുമെന്നും അസ്വാസ്ഥ്യമുണ്ടാകാതെയിരിക്കുമെന്നും എല്ലാവർക്കും ബോദ്ധ്യമുണ്ട്. അങ്ങനെവയ്ക്കുന്ന നിരക്ക് ഏതു രീതിയിലായിരിക്കണമെന്നാണ് ഇനി ആലോചിക്കേണ്ടതു്. സ്റ്റാൻറാർഡു പറക്ക് ൨൨ ചക്രം ക്ലിപ്തപ്പെടുത്തി നിയമത്തിൽ പറയണമെന്നുള്ളതാണ് എൻെറ ഭേദഗതി. നിലം ൧൦ പെരുക്കമായാലും ൧൪ പെരുക്കമായാലും ജന്മിയുടെ പറ സ്റ്റാൻറാർഡു പറയെക്കാൾ സാമാന്യേന വലുതായിട്ടു കാണുന്നുണ്ട്. ജന്മി നെല്ലളന്നു വാങ്ങിക്കുമ്പോൾ അളക്കുടെയും നിറപറയും വകവച്ചുകൊടുക്കാറുണ്ട്. ഇ

തിൽ ജന്മിയെ കുററപ്പെടുത്താനുമില്ല. ഇതിനും പുറമെ "കിടന്നപൊററ" എന്ന ഒരിനംകൂടി ആധാരങ്ങളിൽ വ്യവസ്ഥ ചെയ്തിരിക്കുന്നതും ജന്മി അതു വാങ്ങിവരുന്നതുമാകുന്നു.

MR. P. S. MAHOMED (*Nominated*): ജന്മിക്ക് അളവിൽ കൂടുതൽ കിട്ടുമോ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഇല്ല. എന്നാൽ "കിടന്നപൊററ" എന്ന ഒരിനം ജന്മിക്കുകൂടുതലായിട്ടു കൊടുക്കയാണ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): എത്ര പറ നെല്ലിൻെറ വില കൊടുക്കുന്നുവോ ആ പണം കൊണ്ടു ജന്മിക്ക് അത്രയും പറ നെല്ലു വാങ്ങിക്കുന്നതിനു സാധിക്കണമെന്നു വിചാരിക്കുന്നില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*): ആ ഉദ്ദേശവുമുണ്ട്. നെല്ലു ഇട്ടിരുന്നാൽ ൧൦൦-നു മൂന്നും നാലും പറ കുറയുമെന്നാണ് കാണുന്നതു്. ജന്മിയുടെ ഓരോ ദേശവഴിയിലും ഓരോ മുതൽപിടിക്കാരും കാര്യസ്ഥന്മാരുമുണ്ട്. ഇവർ നെല്ലു ഏററുവാങ്ങി ജന്മിക്കു കൊടുക്കണം. അതിലേക്കു "കിടന്നപൊററ" വകവച്ചുകൊടുക്കേണ്ടതായിട്ടുണ്ട്. എന്നാൽ ഓരോ ദേശവഴിയിലും പണം കിട്ടുന്നതിനുവേണ്ടി ജന്മി നെല്ലു വളരെ കുറഞ്ഞവിലയ്ക്കു വില്ക്കാറുണ്ട്. ഇതിനും പുറമെ ആധാരങ്ങളിലെ വ്യവസ്ഥയനുസരിച്ചു കൊയ്ത്തുകാലത്താണ് ജന്മിക്കു നെല്ലുകൊടുക്കേണ്ടതു്.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): നെല്ലു ജന്മിയുടെ അറവാതുക്കൽ കൊടുക്കണ്ടേ?

MR. A. NARAYANA PILLAI (*Vaikam*): അറയുംമററും അതാതു ദേശവഴിയിൽ കാണും.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): അറയില്ലാത്ത ജന്മിമാരുമില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*): അങ്ങിനെയുള്ളവർ കാണുമോ എന്നു സംശയമാണ്. ജന്മിമാക്കു അറയും ശമ്പളക്കാരും കാണും.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): സാധാരണമായിട്ടു കിട്ടുന്ന നെല്ലു മുഴുവനും ജന്മി നെല്ലായിട്ടല്ലേ ചിലവാക്കുന്നതു്.?

MR. A. NARAYANA PILLAI (*Vaikam*): നെല്ലായിട്ടുതന്നെ ചിലവാക്കുന്നവരും അല്ലാത്തവരുമുണ്ട്. നെല്ലുതന്നെ രണ്ടുതരത്തിൽ അവക്കു ചിലവുണ്ട്. കാര്യസ്ഥന്മാക്കു ശമ്പളം, കൂലിച്ചിലവു ഇതൊക്കെ നെല്ലായി കൊടുത്തു എന്നുവരാം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): രാജ്യത്തുള്ള എല്ലാജന്മിമാക്കും കാൎയ്യസ്ഥന്മാരുണ്ടെന്നാണോ മെമ്പർ വിചാരിക്കുന്നതു ?

MR. A. NARAYANA PILLAI (*Vaikam*): ൯൦ ശതമാനം ജന്മിമാക്കും കാൎയ്യസ്ഥന്മാരുണ്ട്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): മെമ്പറുടെ അനുഭവത്തിൽവെക്കത്തുള്ള ജന്മിമാരിൽ എത്രപേർ കാൎയ്യസ്ഥനെവെച്ചു ശമ്പളംകൊടുക്കുന്നുണ്ടെന്നു പറയാമോ?

MR. A. NARAYANA PILLAI (*Vaikam*): ൭൫ ശതമാനം ജന്മിമാരും കാൎയ്യസ്ഥനെവെച്ചു ശമ്പളം കൊടുക്കുന്നുണ്ട്. ശമ്പളം ഒരുപക്ഷെ വല്ലതല്ലായിരിക്കാം; അവരവരുടെ സ്ഥിതിയനുസരിച്ചേ ആയിരിക്കയുള്ളു. കാൎയ്യസ്ഥനില്ലാത്ത ജന്മിമാരുണ്ടോ എന്നു തന്നെ സംശയമാണ്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൩൦൦ പറ നെല്ലു കിട്ടേണ്ട ഒരു ജന്മിയുടെ കുടുംബത്തിൽ പത്തോ അൻപതോ അംഗങ്ങൾ ഉണ്ടായിരിക്കും. ആ ജന്മിക്ക് എത്രപറനെല്ലിനു ശമ്പളക്കാരെ വയ്ക്കാം.?

MR. A. NARAYANA PILLAI (*Vaikam*): ൫൦൦ പറനെല്ലു വരുമാനമുള്ള ഒരു ജന്മിക്കു ൫൦ പറനെല്ലിൽ കുറയാതെയുള്ള ശമ്പളക്കാരെ വയ്ക്കാം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇതു മെമ്പറുടെ അറിവിൽ പെട്ടിടത്തോളം ഉത്തമവിശ്വാസമായ ഒരഭിപ്രായം തന്നെയാണല്ലോ.?

MR. A. NARAYANA PILLAI (*Vaikam*): അതേ.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഇതു മെമ്പറുടെ ഊഹമാണോ അതല്ല വല്ല തെളിവും എടുത്തു പറയുകയാണോ?

MR. A. NARAYANA PILLAI (*Vaikam*): എന്റെ പരിചയത്തെ അടിസ്ഥാനപ്പെടുത്തി പറയുകയാണ്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അല്ലാതെ അതിനെപ്പററി അന്വേഷിച്ചിട്ടില്ല ?

MR. A. NARAYANA PILLAI (*Vaikam*): അന്വേഷിക്കേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ കൌൺസിലിൽ നിന്നു തന്നെ നിയമിച്ച ഒരു കമ്മിററി ഇതിനെപ്പററി അന്വേഷണം നടത്തിയിട്ടുണ്ടെന്നറിയാമോ?

MR. A. NARAYANA PILLAI (*Vaikam*) : ആ കമ്മററിയിലെ ഒരംഗമായിരുന്ന മെമ്പക്ക് അതിനെപ്പററി കൂടുതൽ അറിയാമെന്നു വിശ്വസിക്കുന്നു.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): മിച്ചവാരം നേരിട്ടു പിരിക്കുന്ന ജന്മിമാരുമില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*): നേരിട്ടു പിരിക്കുന്ന ജന്മിമാരുമുണ്ട്.

മിച്ചവാരം കൊടുക്കേണ്ടതു് കൊയ്ത്തു കാലത്താണ്. അതായതു് കന്നി, തുലാം, മകരം, കുംഭം, ഈ മാസങ്ങളിലാണ്. ഈ കാലങ്ങളിൽ നെല്ലിന്റെ വില സാമാന്യേന കുറഞ്ഞേ ഇരിക്കുകയുള്ളു. കൊയ്ത്തുകാലമല്ലാത്ത ഈ സമയത്തും അങ്ങാടിയിൽ ൧൧ ചക്രം തന്നെ വിലയില്ല. ൩൦ കൊല്ലത്തെ ശരാശരി കണക്കെടുത്തുനോക്കിയാണ് ഗവണ്മെന്റു ൧൧ ചക്രം നെല്ലിനു വില വച്ചിട്ടുള്ളതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : ഗവണ്മെന്റു ൧൧ ചക്രം വിലവച്ചകാലത്തു നെല്ലിനു നാട്ടിൽ എന്തു വിലയുണ്ടായിരുന്നു ?

MR. A. NARAYANA PILLAI (*Vaikam*): ൧൦൧൧-ൽ നിശ്ചയിച്ചവിലയാണ് ഇതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): അന്നു നെല്ലിന്റെ വില വളരെ കൂടുതലായിരുന്നുവോ?

MR. A. NARAYANA PILLAI (*Vaikam*): എനിക്കതു നിശ്ചയമില്ല. ഇവിടെ സന്നിഹിതനായിരിക്കുന്ന ഡിവിഷൻപേഷ്കാർ പറഞ്ഞതു ൩൦ വർഷത്തെ ശരാശരി കണക്കെടുത്താണ് ൧൧ ചക്രം നിരക്കുവില വച്ചതു് എന്നാണ്. ആ താരിപ്പനുസരിച്ചാണ് ഗവണ്മെന്റു ഇന്നും ഈടാക്കിവരുന്നതു്. ഇന്നത്തെ നിരക്കു നോക്കിയാൽ ൧൧ ചക്രം വരുന്നതല്ല. ഈ നിരക്കുവിലമാത്രം കണക്കാക്കി നോക്കിയാലും ശമ്പളച്ചിലവും "കിടന്നുപൊറവു" ഈ കാര്യങ്ങൾക്കുള്ള തുക ഇതിൽ അടങ്ങുമെന്നു തോന്നുന്നുണ്ട്. അതിനാൽ ൧൧ ചക്രം റേററു വയ്ക്കുന്നതുകൊണ്ടു ജന്മിക്ക് ഒരു നഷ്ടവുമില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : ൧൧ ചക്രം വച്ചാൽ ജന്മിക്കു നഷ്ടമില്ലെന്നു പറഞ്ഞു. എന്നാൽ അതുകൊണ്ടു് കുടിയാനു വല്ല നഷ്ടവുമുണ്ടോ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഇപ്പോഴും നഷ്ടം വരും.

Mr. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെ നഷ്ടം വരാതിരിക്കുന്നതിനുവേണ്ടി ജന്മിക്കു് കിട്ടേണ്ട നെല്ലു പോകെ ബാക്കിയുള്ള നെല്ലു മുഴുവനും ഈ വിലക്കു ജന്മിക്കു കൊടുക്കാൻ തയ്യാറുണ്ടോ?

Mr. A. NARAYANA PILLAI (*Vaikam*): നിലങ്ങളെല്ലാംകൂടി ജന്മി കൃഷി ചെയ്തു കൊള്ളാമെന്നു ഏറ്റെടുക്കുന്നപക്ഷം അതിനു വിരോധമില്ല.

Mr. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ജന്മിമാരിൽനിന്നു കിട്ടേണ്ട സംഖ്യ ഗവണ്മെൻറു പിരിച്ചു തരാമെന്നു സമ്മതിക്കക്കൂടി ചെയ്യാലോ?

Mr. A. NARAYANA PILLAI (*Vaikam*): അതു കുറെക്കൂടി സന്തോഷമാണു്.

Mr. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെയാണെങ്കിൽ ഇന്നു ജന്മിമാരെല്ലാം കുടിയാന്മാരാണെന്നുള്ള ഒരു ഭേദഗതി പാസ്സാക്കുന്നതു മെമ്പർക്കു സമ്മതമാണോ?

Mr. A. NARAYANA PILLAI (*Vaikam*): അങ്ങനെ ഒരു ഭേദഗതി ഇവിടെ ഇപ്പോഴില്ല.

Mr. M. N. NARAYANA MENON (*Kottayam*): ഞാൻ മി. എ. നാരായണപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ അനുകൂലിക്കുന്നു. നമ്മുടെ നാട്ടിൽ നെല്ലിനുള്ള വില നോക്കിയാലും ഗവണ്മെൻറു് ഇപ്പോൾ പ്രവർത്തിച്ചുവരുന്നതു നോക്കിയാലും നിരക്കുവില ൧൧ ചക്രത്തിനുമേൽ വയ്ക്കാൻ യാതൊരു നിവൃത്തിയുമില്ല. എൻെറ മാന്യസ്നേഹിതനായ ജന്മിമെമ്പർ തന്നെ ജന്മിമാരും കുടിയാന്മാരും തമ്മിൽ വളരെ സൌഹാർദ്ദതയോടുകൂടി കഴിഞ്ഞുപോകണമെന്നു് അഭിപ്രായപ്പെടുകയുണ്ടായി. അതു വാസ്തവവുമാണു്. നമ്മുടെ എല്ലാവരുടെയും സ്നേഹബഹുമാനാദരങ്ങൾക്കു പാത്രീഭൂതനായി തീൎന്നിട്ടുള്ള സർ. ടി. മാധവരാവു ൧൦൪൨-ൽ ജന്മികുടിയാന്മാർ തമ്മിലുള്ള ബന്ധത്തെ സംബന്ധിച്ചു ഒരു വ്യവസ്ഥചെയ്തു. ൧൦൫൧-ൽ നെല്ലിനു പണം നിശ്ചയിച്ച കാലത്തു വില വളരെ കൂടിയിരുന്നു. ആ വിലക്കൂടുതലിനനുസരിച്ചാണു് ൧൧ ചക്രം നിശ്ചയിച്ചതു്. ഇന്നു നെല്ലിനു് അത്രയൊന്നുംതന്നെ വിലയില്ല.

കണ്ടകൃഷി നെല്ലിനു ൨൪ ചക്രം വില നിശ്ചയിച്ചപ്പോൾ ഈ കൗൺസിലിൽ അന്നുണ്ടായിരുന്ന മെമ്പർമാരെല്ലാം പകരം പണമാക്കിയല്ലോ എന്നു വളരെ സന്തോഷിച്ചു. അതു കഴിഞ്ഞു വളരെ ജനങ്ങളുടെ പരാതിനിമിത്തം ആ വില ൧൨ ചക്രമായി കുറച്ചു എങ്കിലും

[Mr. M. N. Narayana Menon.]

ഈ സംഗതി ഇന്നും ഗവൺമെൻറിനെ അലട്ടികൊണ്ടിരിക്കുന്ന ഒന്നാണ്. ഇന്നത്തെ നിലയ്ക്കു നെല്ലിൻെറ വില കുറയുകയല്ലാതെ കൂടുന്നതിനുള്ള വഴികളൊന്നും തന്നെ കാണുന്നില്ല. അതിനാൽ എന്നെന്നെയ്ക്കുമായി ജന്മികുടിയാന്മാർ തമ്മിലുള്ള സൌഹാർദ്ദത്തിനുവേണ്ടി നിരക്കുവില ൧൧ ചക്രമാക്കണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : "സൌഹാർദ്ദത" എന്നൊരു വാക്ക് മെമ്പർ പറഞ്ഞല്ലോ. ജന്മിമാക്കു കിട്ടേണ്ട ആദായം കുറഞ്ഞുവരുന്നതിനും കുടിയാന്മാക്കു കിട്ടേണ്ട ആദായം കൂടി വരുന്നതിനും അനുസരിച്ചു പ്രവർത്തിക്ക എന്നുള്ളതാണോ "സൌഹാർദ്ദം" എന്നു മെമ്പർ ഉദ്ദേശിക്കുന്നതു്?

MR. M. N. NARAYANA MENON (*Kottayam*) : കൂടുതൽ കിട്ടിക്കൊണ്ടിരിക്കുന്നയാൾ ഒട്ടും കിട്ടാത്തയാൾക്കു കുറെ വിട്ടുകൊടുത്താൽ അതു തന്നെയാണു് "സൌഹാർദ്ദം".

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : സൌഹാർദ്ദത എന്നുള്ളതു ജന്മിമാരെയും കുടിയാന്മാരെയും ബാധിക്കുന്നതാണോ?

MR. M. N. NARAYANA MENON (*Kottayam*) : എൻെറ മാന്യസ്നേഹിതനായ ജന്മിമെമ്പർ തന്നെ ഈ പദം പ്രയോഗിച്ചിട്ടുള്ളതുകൊണ്ടു ഞാനും അതു പറഞ്ഞു എന്നേയൊള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : മത്സരത്തിനുള്ള വക കുറച്ചാൽ സൌഹാർദ്ദം ഉണ്ടാകുമെന്നല്ലാതെ പണം കൊടുത്താൽ സൌഹാർദ്ദതകിട്ടുമോ?

MR. M. N. NARAYANA MENON (*Kottayam*) : തെല്ലുമില്ല.

PRESIDENT : You may move your amendment, Mr. Tuppan Namputhiripad.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : നെല്ലു മുതലായ സാധനങ്ങളുടെ വിലത്തരം കണക്കാക്കുന്നതു് പന്ത്രണ്ടുമാസത്തെ ശരാശരി എടുത്തു നിശ്ചയിക്കണമെന്നുള്ള ഭേദഗതി ഞാൻ ഇവിടെ അവതരിപ്പിച്ചു കൊള്ളുന്നു. ജന്മിമാക്കു വരുന്നതായ വലുതായ ഒരു നഷ്ടവും സങ്കടവും മാത്രമാണു് ഈ ഭേദഗതി അവതരിപ്പിക്കുന്നതിനുള്ള കാരണം. നെല്ലിനു ഒരു ക്ലിപ്തവിലവച്ചു വാങ്ങിക്ക എന്നുള്ളതു് ജന്മിമാക്കു അതികഠിനമായ ഒരു സങ്കടത്തിനിടവരുത്തുന്നതാണു്. നെല്ലുവിലയെ സംബന്ധിച്ചു കഴിഞ്ഞ കൗൺസിലിൽ തന്നെ മി. എസ്. കൃഷ്ണപിള്ള ഭേ

ഗതി അവതരിപ്പിച്ചപ്പോഠ വളരെ വാദപ്രതിവാദങ്ങഠ നടന്നിട്ടുണ്ട്. ഒരുപറ നെല്ലിനുള്ള വില കുടിയാൻ കൊടുത്താൽ ആ പണംകൊണ്ടു ഒരു പറനെല്ലു ജന്മിക്കു വാങ്ങിക്കാൻ സാധിക്കണമെന്നുള്ളതാണ് ഞങ്ങളുടെ ഉദ്ദേശമെന്നും അന്നു ഈ സഭയെ അറിയിച്ചിട്ടുമുണ്ട്. ഇതിനെ സംബന്ധിച്ചു വളരെ വാദപ്രതിവാദം നടന്നിട്ടുള്ളതിനാലും ജന്മിഭാഗത്തെ ആശയം ഇന്നതാണെന്നു വെളിപ്പെടുത്തികഴിഞ്ഞിട്ടുള്ളതിനാലും ഇതിനെ സംബന്ധിച്ചു വലിയ പ്രസംഗം ചെയ്യണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : നിരക്കുവില തീച്ച്പ്പെടുത്തേണ്ടതാരാണ്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അതാതു ദിക്കിലുള്ള നിരക്കുവില ഗവമ്മെൻറു നിണ്ണയിക്കുന്നതുകൊണ്ടു യാതൊരാക്ഷേപവുമില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ഇന്നു ഗവമ്മെൻറു പരസ്യപ്പെടുത്തുന്ന വില ശരിയാണോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : അതു ശരിയാണന്നോ തെററാണന്നോ ഞാൻ അന്വേഷിച്ചിട്ടില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnathur*) ഇതുവരെയായിട്ടും അന്വേഷിച്ചിട്ടില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) : ഇല്ല. എന്നാൽ ഗവമ്മെൻറു പ്രസിദ്ധീകരിക്കുന്ന വില തെററാണെന്നു ഇവിടെ പല വാദങ്ങളും കേഠക്കുകയുണ്ടായി. അതു തെററാണെങ്കിൽ ആ അനീതി പരിഹരിക്കുന്നതിനാണ് നാം നിയമം ആദ്യമായി ഉണ്ടാക്കേണ്ടതു്. ഈ രാജ്യത്തുള്ള അൻപതുലക്ഷം ജനങ്ങളെ ബാധിക്കുന്ന ഒരു നിരക്കുവിലയാണ് ഗവമ്മെൻറു പ്രസിദ്ധപ്പെടുത്തുന്നതു്. ഈ തെററ് അൻപതുലക്ഷം ജനങ്ങളെ സംബന്ധിച്ചിടത്തോളം ഇരുന്നു കൊള്ളട്ടെ എന്നും രണ്ടായിരം ജന്മിമാരെ സംബന്ധിച്ചു വന്നപ്പോഠമാത്രം അതു പരിഹരിക്കേണ്ടതാണെന്നും പറയുന്നതിൻെറ അത്ഥമാണ് എനിക്കു മനസ്സിലാകാത്തതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇപ്പോഴത്തെ നിരക്കുവിലയെന്താണന്നു് മെമ്പർക്കറിയാമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): അതു ഓരോ കമ്പോളത്തിൽ ഓരോ മാതിരി ഇരിക്കും.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) മെമ്പർ കേസ്സു കൊടുക്കുന്നതു നെല്ലിനു് എന്തു വിലവച്ചാണു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : ഞാൻ അതാതു കാലത്തെ കമ്പോളനിരക്കുവച്ചു കേസ്സു കൊടുക്കും.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഈ അടുത്തകാലത്തു് എന്തു നിരക്കുവച്ചു കേസ്സു കൊടുത്തിട്ടുണ്ടു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : കമ്പോളനിരക്കനുസരിച്ചു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : അതെത്രയാണു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതു വക്കീലിനോടു ചോദിച്ചേ പറയുവാൻ തരമൊള്ളൂ. ഇനിമേൽ കൂടുതൽ ചോദ്യങ്ങൾക്കുത്തരം പറയാൻ ഞാൻ തയ്യാറില്ല. ആരും എന്നോടു ചോദ്യം ചോദിക്കേണ്ടാ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : എനിക്കൊരു ചോദ്യം ചോദിക്കേണ്ടതായിട്ടുണ്ടു. ഭേദഗതിയിൽ പറഞ്ഞിരിക്കുന്നതു് ൧൨ മാസത്തെ ശരാശരി എടുക്കണമെന്നാണു്. അതു ഇനിമേൽ ഒരു കൊല്ലത്തേയ്ക്കുള്ള ശരാശരി എടുക്കണമെന്നാണോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അല്ല. ജന്മിക്കരം പിരിക്കുന്ന അവസരത്തിൽ അന്നത്തെ നിരക്കു വിലയ്ക്കു മുമ്പുള്ള ൧൨ മാസത്തെ നിരക്കുവിലയുടെ ശരാശരി എടുക്കണം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഇന്നു പിരിക്കയാണെങ്കിൽ എത്ര ചക്രം വയ്ക്കാമെന്നാണു് മെമ്പരുടെ അഭിപ്രായം?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : രാജ്യമൊട്ടുക്കുള്ള നിരക്കുനോക്കി പറയുവാനുള്ള ഒരവസരം കിട്ടിയാൽ പറയാം.

MR. KAYALAM PARAMESVRAN PILLAI (*Additional Head Sirkar Vakil*): മെമ്പർ ഇതിനെപ്പററി ആലോചിക്കയോ അന്വേഷിക്കയോ ചെയ്തിട്ടില്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അതിൻെറ ആവശ്യമില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഇപ്പോൾ ഒരുപറ നെല്ലിനു് എന്തു വിലയുണ്ടെന്നറിയാമോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഞാൻ ഇരുന്നുപോയി. ഇനി മറുപടി പറയുവാൻ വയ്യാ. (ചിരി)

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഞാൻ മി. തുപ്പൻ നമ്പൂതിരിപ്പാട് അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ പിൻതാങ്ങുന്നു. നെല്ലിനു വില നിശ്ചയിക്കേണ്ടതാണെങ്കിലും ആ വില ഞങ്ങൾക്കു സാധനം ലഭിക്കുന്നതിന് ഉതകത്തക്കവിധത്തിലായിരിക്കണമെന്നു പറയുന്നതിൽ യാതൊരസാംഗത്യവുമുണ്ടെന്നു തോന്നുന്നില്ല. അതിലേക്കു പശ്ചാത്തമായ മാർഗ്ഗം അതാതു കാലത്തെ കമ്പോളവിലയനുസരിച്ചു നിശ്ചയിക്കുകയെന്നുള്ളതാണ്. അതിലേക്കു കുറെ ബുദ്ധിമുട്ടുണ്ടെന്നു പലരും അഭിപ്രായപ്പെടുകയുണ്ടായി. ഒരു കമ്മററിയെ ഇതിനായി രൂപീകരിക്കയാണെങ്കിൽ ആ കമ്മററിയുടെ അന്വേഷണമാർഗ്ഗം വളരെ compressed method ആയിതീരുമെന്നാണ് പലരും പറഞ്ഞതു്. എന്നാൽ അതാതുകാലത്തെ സ്ഥിതിയനുസരിച്ചു വിലത്തരംമാററുന്നതിനുള്ള ഒരു സ്വാതന്ത്ര്യം ഈ കൌൺസിലിനുണ്ടെന്നും ചിലർ പ്രസ്താവിക്കയുണ്ടായി. ഇതിൽ ഒരു കമ്മിററികൂടി തീരുമാനിക്കുന്നതൊ അതല്ല നിയമസഭമുഖാന്തരം തീരുമാനിക്കുന്നതോ ഏതാണ് compressed method എന്നുള്ളതും പ്രത്യേകം ആലോചിക്കേണ്ട ഒരു വിഷയം തന്നെയാണ്. നെല്ലിനു വിലകൂടാനുള്ള മാർഗ്ഗങ്ങളില്ല; അതുകൊണ്ടു് ഇന്നത്തെ വിലയിൽനിന്നു രണ്ടുചക്രം കൂട്ടി ൧൩ ചക്രം വച്ചാൽ ജന്മിക്കു യാതൊരു നഷ്ടവുമില്ലെന്നും ചില ധനശാസ്ത്രതത്വജ്ഞന്മാരും ചില സാമാജികന്മാർ പറയുകയുണ്ടായി. എന്നാൽ ഇന്നു നെല്ലിനുള്ള വിലക്കുറവിനുകാരണം ബർമ്മാനെല്ലിന്റെ വരവു കൊണ്ടു മാത്രമല്ലെന്നും മററെല്ലാസധനങ്ങളുടെയും വിലക്കുറവുകൂടിയാണു കാരണമെന്നും ഓർമ്മിക്കേണ്ടതുണ്ടു്. ഇന്നു നെല്ലിനു ൧൧ ചക്രമേവിലയുള്ളു എന്നു പറഞ്ഞു. എന്നാൽ ഞാൻ അന്വേഷിച്ചതിൽ ബർമ്മാനെല്ലു ൧൨-ം നാട്ടുനെല്ലു് ൧൩-ം ചക്രത്തിൽകുറഞ്ഞു കിട്ടുകയില്ലെന്നാണ് മനസ്സിലായതു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): മെമ്പർ ഏതുസ്ഥലത്താണ്, അന്വേഷിച്ചതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): തിരുവനന്തപുരത്തു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): തിരുവനന്തപുരത്തു് എവിടെയാണ്?.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): നെല്ലുമായിട്ടു ബന്ധമുള്ള ആളുകളോടു.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ആരാണ് നെല്ലുമായി ട്ടുബന്ധമുള്ളയാളെന്നു പറയാമോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): ഒരു നാരായണൻ നമ്പൂതിരിയാണെന്നു വയ്ക്കുക. നെല്ലു ധാരാളംവരവുള്ളയാളും വിലയ്ക്കു കൊടുക്കുന്നയാളുമാണ്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): ഫന്തചക്രം കൊടുത്താലെ അദ്ദേഹംനെല്ലു കൊടുക്കയൊള്ളോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*), അദ്ദേഹം നെല്ലു കൊടുക്കുന്നതു് ഈ വിലയ്ക്കാണ്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ജന്മിമാർ നമ്പൂതിരിമാരുടെ നെല്ലേ വിലയ്ക്കുവാങ്ങിക്കാവൂ എന്നുണ്ടോ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): എന്റെകൂടെ ഫാബവരെ വരാമെങ്കിൽ ഞാൻനെല്ലിന്റെ വിലബോദ്ധ്യപ്പെടുത്തിതരാം.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതിനുയാതൊരു വിരോധവുമില്ല. അതിനാൽ അതാതു കാലത്തെ കമ്പോളനിരക്കു വച്ചു വിലനിശ്ചയിക്കത്തക്ക ഒരു രീതിയാണ് ഇവിടെ സ്വീകരിക്കേണ്ടതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additionl Head Sirkar Vakil*): ഇപ്പോഠം നെല്ലിനു ഫന്തചക്രം വിലയുണ്ടെന്നു പറഞ്ഞു. മി. ഇട്ടപ്പൻനമ്പൂതിരിപ്പാടിന്റെ ഭേദഗതിയിൽപറയുന്ന ശരാശരികണക്കെടുത്തു നോക്കിയാൽ ഫവ ചക്രം വരുമോ?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): അതു ഞാൻ കണക്കുകൂട്ടി നോക്കിയിട്ടില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Addittional Head Sirkar Vakil*): മി. കെ. പി. നീലകണ്ഠപ്പിള്ള ഫമ്പചക്രം വയ്ക്കാമെന്നു പറഞ്ഞു. മി. ഇട്ടപ്പൻ നമ്പൂതിരിപ്പാട്ട് ഫവമാസത്തെ ആവറേജ് എടുത്തു വയ്ക്കണമെന്നുപറഞ്ഞു. ഇതു രണ്ടിനും തമ്മിൽ വല്ല വ്യത്യാസവുമുണ്ടോ എന്നറിയുന്നതിനാണ് ഞാൻ ചോദിക്കുന്നതു്.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): മി. നീലകണ്ഠപ്പിള്ള ആവറേജ്എടുത്തല്ല പറഞ്ഞതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇപ്പോഠം ഒരു കൊല്ലത്തേയ്ക്കു ക്ലിപ്തപ്പെടുത്താമെന്നും പിന്നീട് അപ്പോഴപ്പോഴുള്ള നിരക്കു റേററനുസരിച്ചു വയ്ക്കാമെന്നും നിശ്ചയിച്ചാൽ എത്രചക്രംവയ്ക്കാം?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : കഴിഞ്ഞ ഒരുകൊല്ലത്തെ ആവറേജ്റേററ് എടുത്തുവയ്ക്കാനെ നിവൃത്തിയൊള്ളൂ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : മി. കെ. പി. നീലകണ്ഠപ്പിള്ള ക്രമം വയ്ക്കാമെന്നു പറഞ്ഞു. ഇനി ജന്മിമെമ്പർമാരുടെ അഭിപ്രായം എന്തുയാണെന്നുകൂടി അറിഞ്ഞിട്ടു വേണമല്ലോ ഈ സഭയ്ക്കുവോട്ടു ചെയ്യുവാൻ.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : ഒരു കൊല്ലത്തേയ്ക്കു മാത്രം വില നിശ്ചയിക്കേണ്ട ആവശ്യമുണ്ടാകുമെന്ന് ഈ വകുപ്പിൽനിന്നു മനസ്സിലാകുന്നില്ല; അഥവാ അതു വേണമെന്നു വിചാരിക്കുന്നുവെങ്കിൽ ഒരു കൊല്ലത്തെ ലിസ്ററ് കിട്ടിയാൽ നോക്കിപറയാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അപ്പോഴം ഗസററ നോക്കിവില നിശ്ചയിച്ചാൽ മതിഎന്നാണോ പറയുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*) : ഇപ്പോഴം അതിനേ നിവൃത്തിയൊള്ളൂ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). ഗസററിൽനിന്ന് എടുത്തു നിശ്ചയിക്കയാണെങ്കിൽ മതി, മേൽ വാദമില്ലന്നാണോ പറയുന്നതു്?

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): എന്നല്ലാ, ഉടനെനിശ്ചയിക്കുന്നുവെങ്കിൽ ഗസററനോക്കിയെ നിശ്ചയിക്കാൻ തരമൊള്ളൂ എന്നാണ് പറഞ്ഞതു്.

MR. C. P. BHATTATIRI (*Co-opted*) : മി. ഇട്ടുപ്പൻ നമ്പൂതിരിപ്പാടവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ പിൻതാങ്ങുന്നതോടുകൂടി മി. എ. നാരായണപിള്ളയുടെയും മി. കെ. പി. നീലകണ്ഠപ്പിള്ളയുടെയും ഭേദഗതികളെ ഞാൻ എതിർക്കുകയും ചെയ്യുന്നുണ്ട്. ഈ വിഷയത്തിൽ ഒരു ഭേദഗതി ഞാൻ കൊണ്ടുവരണമെന്ന് വിചാരിച്ചുവെങ്കിലും നിർഭാഗ്യവശാൽ അതു ഇതുവരെ സാധിച്ചിട്ടില്ല. നെല്ലിനെ പണമാക്കണമെന്നുള്ളതാണ് ഇവിടെ ഇപ്പോഴം എടുത്തിരിക്കുന്നപ്രശ്നം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതല്ല ഇവിടത്തെ പ്രശ്നം. നെല്ലിൻെറ നിരക്കു വില നിർണ്ണയിക്കേണ്ടതെങ്ങനെയെന്നുള്ളതാണ്.

MR. C. P. BHATTATIRI (*Co-opted*) : ഞാൻ പറയുന്നതും അതിനെപ്പററിത്തന്നെ. ഒരു ജന്മിക്കു കിട്ടുവാനുള്ള നെല്ലു പണമാക്കു

[Mr. C. P. Bhattatiri.]
ഏല്പിക്കുമ്പോൾ അതിന്റെ നിരക്കു വില എങ്ങനെ ആയിരിക്കണമെന്നു പരിഗണിക്കുകയാണ് നാമിപ്പോൾ ചെയ്യുന്നത്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ നിരക്കുവില എത്രവയ്ക്കാമെന്നു ഞാൻ മി. ഇട്ട്യാൻനമ്പൂതിരിപ്പാടിനോടും മി. രാമൻനമ്പൂതിരിപ്പാടിനോടും ചോദിച്ചു. അവർ രണ്ടുപേരും അതിനു മറുപടിപറഞ്ഞില്ല. അതേചോദ്യംതന്നെ മി. ഭട്ടതിരിയോടും ചോദിച്ചുകൊള്ളട്ടെ?

MR. C. P. BHATTATIRI (*Co-opted*) : എന്റെ വ്യക്തിപരമായ അഭിപ്രായം ഈ ഭേദഗതിഅനുസരിച്ചുതന്നെ ചെയ്യാമെന്നാണെങ്കിലും ജന്മിമാരെ പ്രതിനിധീകരിക്കുന്നവരിൽ ഒരാൾ എന്നനിലയിൽ എനിക്കതിനെപ്പററി ഉടനടി പറയുവാൻ സാധിക്കുകയില്ല. ഞങ്ങളെ സംബന്ധിച്ചിടത്തോളം ഇതു വളരെ പ്രാധാന്യമുള്ളതും പരമാർത്ഥത്തിൽ വളരെ വിഷമമുള്ളതുമായ ഒരു കാര്യമായിരിക്കുന്നതുകൊണ്ടു് ഈ ബില്ലിനെ സംബന്ധിച്ച് അനവധികാര്യങ്ങൾ ഇതിനു മുമ്പുതീരുമാനിച്ചപ്പോൾ ചെയ്തഭൂരിപക്ഷനയമെടുക്കുന്ന നയമനുവർത്തിക്കുന്നതായാൽ നിശ്ചയമായും ജന്മിമാർക്കു വളരെസങ്കടമായിട്ടല്ലാതെ പര്യവസാനിക്കാൻ തരമില്ല. ഈ ഒരു കാര്യത്തിൽ അപ്രകാരമെടുക്കരുതെന്നാണ് എന്റെ അപേക്ഷ. ഇതിലും ദുർഘടമായ കാര്യങ്ങൾ വന്നിട്ടുള്ള അവസരങ്ങളിൽ പോലും അതിന്റെ കുഴപ്പംതീർത്തു ഇരുകക്ഷികൾക്കും തൃപ്തികരമായ തീരുമാനങ്ങൾ വരുത്തിയിട്ടുണ്ടു്. അതുകൊണ്ടു് ഇരുകക്ഷികൾക്കും തൃപ്തികരമായ ഒരു തീരുമാനം ഇതിലുംവരുത്താൻ സാധിക്കുമെന്നാണെന്റെ വ്യക്തിപരമായ അഭിപ്രായം. ഈ സംഗതിയിൽ ഞാൻ മി. കുഞ്ഞുകൃഷ്ണപിള്ളയെ അനുകൂലിക്കുകയാണുചെയ്യുന്നത്. ഞങ്ങൾതമ്മിൽ യോജിക്കണമെന്നുള്ള വിചാരംപോലും ചില മെമ്പറന്മാർക്കില്ലാതെവന്നിരിക്കുന്നു. മി. കെ. പി. നീലകണ്ഠപ്പിള്ളയുടെ ഭേദഗതിയിൽ ഞങ്ങൾ തമ്മിൽ യോജിപ്പാണെന്നുള്ള പുറംപൂച്ചോടുകൂടി നെല്ലിന്റെ നിരക്കുവില പതിമ്മൂന്നുചക്രത്തിൽ കൂടുതലാണെന്നു പറയുന്നു. എന്നാൽ അടുത്തപാരാവിൽതന്നെ—

MR. KAYALAM PARAMESAVRAN PILLAI (*Additional Head Sirkar Vakil*) : ആ ഭാഗംഅവതരിപ്പിച്ചുകഴിഞ്ഞില്ല. അതുകൊണ്ടു് അതിനെപ്പററിപറയേണ്ട ആവശ്യമില്ലല്ലൊ.

MR. C. P. BHATTATIRI (*Co-opted*) : ഈ സഭയിൽ നിന്നു് ഒന്നു പ്രവചിച്ചു കഴിഞ്ഞാൽ ഞാൻ അതു സ്വീകരിച്ചു കൊള്ളണമെന്നാണു യുക്തികൊണ്ടുകാണുന്നത്. നെല്ലിനിന്നുതീരെ വിലയില്ലെന്നു പറയുന്ന

ത്തു വെറും അസംബന്ധമാണ്. ഇന്നു സത്യം നേരിട്ടറിയാവുന്ന ആളുകളല്ല ഈ സഭയിലുള്ളതു. കടലാസിൽനിന്നു കിട്ടുന്നഅറിവുകളെ അടിസ്ഥാനപ്പെടുത്തി മാത്രമാണ് ഞാനിവിടെ വാദിക്കുന്നതു. ഇവിടെ ഇരിക്കുന്നമെമ്പറന്മാർ അധികവും വക്കീലന്മാർ ആയതുകൊണ്ട് തങ്ങളുടെഭാഗം ജയിക്കുന്നതിനുവേണ്ടി സ്വന്തം കക്ഷികളുടെ ന്യൂനതകളെ മറച്ചും എതിർവശത്തുള്ള ന്യൂനതകളെ പർവ്വതീകരിച്ചും കൊണ്ടാണ് ഓരോന്നു പറയുന്നതു്. ഞാനൊരു വക്കീലിൻെറനിലയിലല്ല ഇവിടെ വാദിക്കുന്നതു്. അതു കൊണ്ടു പർവ്വതികരിക്കയോ മറച്ചുവയ്ക്കുകയോ ചെയ്യേണ്ടആവശ്യമില്ല യഥാർത്ഥമായ സങ്കടം കൊണ്ടുഞങ്ങളുടെ സ്വന്തം കാര്യം പറയുകയാണ് ഞാൻ ചെയ്യുന്നതു്. അതു് ക്ഷന്തവ്യമായ ഒരപരാധവുമാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): എല്ലാവരും ആഹാരം കഴിക്കുന്നയാളുകളാണല്ലോ അതുകൊണ്ടു നെല്ലിൻെറ വിലയെപ്പററിയുള്ള അന്വേഷണം അവക്കും ഉണ്ടായിരിക്കുന്നതാണ്?

MR. C. P. BHATTATIRI (*Co-opted*): അതു വേണ്ടെന്നു ഞാൻ പറഞ്ഞില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additonal Head Sirkar Vakil*): ഈ കമ്പോള വിലയെപ്പററി നിർണ്ണയിക്കേണ്ടതു് ഏതു രൂപത്തിലാണ്?

MR. C. P. BHATTATIRI (*Co-opted*): അതു ഗസററിൽ നിന്നു കാണാമല്ലോ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അപ്പോൾ ഗസററിൽ കാണുന്ന വില കൊണ്ടു് മെമ്പർ തൃപ്തിപ്പെട്ടുകൊള്ളാമെന്നാണോ പറയുന്നതു?

MR. C. P. BHATTATIRI (*Co-opted*): എന്നു ഞാൻ പറയുന്നില്ല. കമ്പോളത്തിൽ നിന്നു് അപ്പൊഴപ്പോഴുള്ള വില എടുത്തു തയ്യാറാക്കീട്ടുള്ള ഒരു വിലയാണ് ഗസററിൽ കാണുന്നതു്. വിലയെപ്പററി അന്വേഷിക്കുന്നതും പബ്ലിഷ് ചെയ്യുന്നതുംജന്മിമാരല്ലാത്ത ആളുകളാണ് ജന്മിമാർ കൈക്കൂലി കൊടുത്താണ് ഈ വില ഇടുവിക്കുന്നതെന്നു പറയുന്നതും ശരിയല്ല. അഥവാ വില ശരിയല്ലെങ്കിൽ തന്നെ ആ ന്യൂനതയെ പരിഹരിക്കുന്നതിനു് ഈ സഭക്കധികാരമില്ലയോ എന്നാണു ഞാൻ ചോദിക്കുന്നതു്. ഇതിലേക്കു് എന്തെങ്കിലും ഒരു മാറ്റം ഉണ്ടാക്കാമെന്നു ലാമെമ്പർ പറയുകയുണ്ടായി. അതു സ്വീകരിക്കുവാൻ തയ്യാറില്ലാത്തതായാണു കാണുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): നിരക്കു വില കണ്ടുപിടിക്കുന്നതിനു ഏതെങ്കിലും ഏജൻസി ഉണ്ടായാൽ കൊള്ളാമെന്നു മെമ്പർക്കഭിപ്രായമുണ്ടോ?

MR. C. P. BHATTATIRI (*Co-opted*): രാജ്യം ഒട്ടുക്കു് ഏജൻസി ഉണ്ടാകണം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ ഏജൻസി ഉണ്ടാക്കാൻ ഒരു കൊല്ലം താമസിച്ചു പോയി എന്നു വിചാരിക്കുക. ആ ഒരു കൊല്ലത്തേക്കുള്ള കരം പിരിക്കുന്നതിനു് എന്തെങ്കിലും ഒരു തുക ക്ലിപ്തം ചെയ്യേണ്ട ആവശ്യമുണ്ടല്ലോ, ആ തുക എന്തായിരിക്കണം?

MR. C. P. BHATTATIRI (*Co-opted*): ഗസററിലെ നിരക്കനുസരിച്ചു പോകുന്നതു കൊണ്ടുവിരോധമില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഗസററിലെ നിരക്കു തെററാണെന്നല്ലേ പറയുന്നതു?

MR. C. P. BHATTATIRI (*Co-opted*): ഗസററിലെ നിരക്കു തെററാണെന്നു ഞങ്ങളാരും വാദിക്കുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അപ്പോൾ ഗസററിലെ നിരക്കു തെററാണെങ്കിൽ പരിഹരിക്കേണ്ട ആവശ്യമില്ല, അല്ലേ?

MR. C. P. BHATTATAIRI (*Co-opted*): പരിഹരിക്കണമെന്നു പേക്ഷയുണ്ടെങ്കിൽ അതു പരിഹരിക്കേണ്ടതാണു്. പരിഹാരം ഉണ്ടാക്കുന്നതുവരെ അതു തെററാണെന്നു പറയുവാൻ പാടില്ല. ഉദാഹരണമായി നാം ഈ ബില്ലു് അമെൻഡു ചെയ്യുന്നുണ്ടു്. അതു കൊണ്ടു് ൧൦൭൯-ാമാണ്ടത്തെ ജന്മികുടിയാൻ റഗുലേഷൻ തെററാണെന്നു പറയുന്നുണ്ടോ? അതു മതിയായില്ല; അതു കൊണ്ടു് ആ റഗുലേഷനെ പരിഹരിക്കണമെന്നു മാത്രമേ പറയുന്നുള്ളു. ആ നിലയിൽ തന്നെയാണു ഗസററിൽ കാണുന്ന നിരക്കിനെപ്പററിയും പറയേണ്ടിയിരിക്കുന്നതു്

MR. K P. NILAKANTA PILLAI (*Chirayinkil*): മേലാൽ ഗവൺമെൻറു പരസ്യം ചെയ്യുന്ന നിരക്കു റേററിനെപ്പററി ജന്മിഭാഗത്തുനിന്നു യാതൊരു ആക്ഷേപവും ഉണ്ടാകുകയില്ലായോ?

MR. C. P. BHATTATIRI (*Co-opted*): ജന്മിമാർക്കു ദോഷമുണ്ടാകണമെന്നുവച്ചു് വല്ലകൗശലങ്ങളും ചെയ്താൽ അതിനെ പ്രതിഷേധിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഇപ്പോൾ അമ്പലപ്പുഴ കണ്ടുകൃഷിനെല്ലിനു വച്ചിട്ടുള്ള വില എത്രയാണെന്നറിയാമോ?

MR. C. P. BHATTATIRI (*Co-opted*) : എന്റെ നാട്ടിലുള്ള സാധാരണ നിരക്കു മാത്രമെനിക്കറിയാം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ആയതിന്റെ നിരക്കു ൧൨ ചക്രമാണു ഗവണ്മെന്റു വച്ചിരിക്കുന്നതെന്നറിയാമോ?

MR. C. P. BHATTATIRI (*Co-opted*) : അറിയാം എന്നാൽ അതിന് ആദ്യം ൨൪ ചക്രമാണു ഗവണ്മെന്റു വച്ചിരുന്നതെന്നുകൂടി ഓർക്കണം.. കണ്ടുകൃഷിക്കരത്തിന്റെ ഉടമസ്ഥൻ ഗവണ്മെന്റാണ്. ൨൪ ചക്രം വിലവച്ചകാലത്തു് നെല്ലിനത്ര വില ഇല്ലായിരുന്നിരിക്കാം. ഏതായാലും അതു കൂട്ടുന്നതിനോ കുറക്കുന്നതിനോ ഉള്ള അധികാരം ഗവണ്മെന്റിനുണ്ട്. ജന്മികൾ റേറു നിശ്ചയിച്ചു കഴിഞ്ഞാൽ പിന്നെ കൂട്ടാൻ സാധിക്കുമോ? ഇതിനും പുറമേ നെല്ലു പെൻഷൻവാങ്ങിക്കുന്നവരുണ്ട്. അവർക്കു് പറയ്ക്കു് ൧ ക്ലീ-യും ൧-൦ പണം വച്ചാണു കൊടുക്കുന്നതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : സൗഹാർദ്ദതക്കുവേണ്ടി നിരക്കുറേറു് എന്തുവയ്ക്കാം?

MR. C. P. BHATTATIRI (*Co-opted*): അതിനു ഞങ്ങൾ തയ്യാറില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) ; ഇന്നുമുതൽ ഒരാണ്ടത്തേക്കു് ഒരു ജൻസിവരുന്നതുവരെ, ഒരു നിശ്ചിത തുക നെല്ലിന്റെ നിരക്കായി ക്ലിപ്തപ്പെടുത്തിയാൽ അതു മൂന്നു ജന്മി മെമ്പറന്മാർക്കും സമ്മതമാകുമോ എന്നു പറയാൻ സാധിക്കുമോ?

MR. C. P. BHATTATIRI (*Co-opted*): സാധിച്ചേക്കാം. എന്നാൽ ആ വില ഇന്നതാണെന്നറിയാതെ എങ്ങനെയാണു പറയുന്നതു്? എന്റെ കയ്യിൽ ഒരു കൂട്ടമിരിക്കുന്നു; അതുവേണമോ എന്നുചോദിച്ചാൽ ആ സാധനമെന്താണ്, അതു കടിക്കുമോ എന്നറിയാതെ ഞങ്ങൾ വേണമെന്നെങ്ങിനെയാണു പറയുന്നതു്?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*); മൂന്നുജന്മിമെമ്പർമാരും കൂടി ആലോചിച്ചു ഇന്ന തുക വയ്ക്കാമെന്നു പറയുവാൻ സാധിക്കുമോ?

MR. C. P. BHATTATIRI (*Co-opted*): മൂന്നു പേരുംകൂടി യോജിച്ചുപറഞ്ഞതാണല്ലോ ഇതുവരെ സാധിച്ചുവന്നതു്. ഇതിനെസംബന്ധിച്ചു സാധിക്കുന്നതല്ല എന്നു വിചാരിക്കാൻ ന്യായമില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : ഗസററി ലെറേറ്റ് എന്താണെന്നന്വേഷിച്ചിട്ടുണ്ടോ?

MR. C. P. BHATTATIRI (*Co-opted*) : ആ വില അങ്ങനെ പ്രസിദ്ധപ്പെടുത്തുന്നതു കണ്ടിട്ടുണ്ട്. അതിൽനിന്നു നെല്ലിന്റെ കമ്പോളവില കാണുവാൻ കഴിയും

MR. GOPALAKRISHNA PILLAI (*Parur*) . ഒരോ കൊല്ലത്തിലേയും നിരക്കുവില ഒരോ രീതിയിൽ വേണമെന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം.

MR. C. P. BHATTATIRI (*Co-opted*) : ഓരോകൊല്ലത്തേയും നിരക്കു വില അനുസരിച്ചു കിട്ടണമെന്നാണ് ഭേദഗതിയുടെഅർത്ഥം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഈ തുകയെപ്പററി അപ്പോൾ ഒരഭിപ്രായവുമില്ലേ?

MR. C. P. BHATTATIRI (*Co-opted*): ഇതിനു വ്യക്തിപരമായഒരഭിപ്രായം പറവാൻ ഞാൻ തയ്യാറില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഇതിനെപ്പററി ആലോചിച്ചിട്ടില്ലേ?

MR. C. P. BHATTATIRI (*Co-opted*) : ഉണ്ട്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അതെന്താണെന്നു പറയുവാൻ തരമില്ല?

MR. C. P. BHATTATIRI (*Co-opted*): ഫനചക്രം വളരെ കുറഞ്ഞുപോയിഎന്നാണു എന്റെ വിശ്വാസം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): പിന്നെ എത്ര ചക്രം വയ്ക്കാം?

MR. C. P. BHATTATIRI (*Co-opted*) : ശരിയായ ഒരുഅവറേജ്എടുത്തുപറഞ്ഞാൽ മതി.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : അതെത്രയാണെന്നു പറയണം?

MR. C. P. BHATTATIRI (*Co-opted*): ഞാൻ അതു നോക്കിയിട്ടില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) കടക്കകടി എന്തു വിലയുണ്ട?

MR. C. P. BHATTATIRI (*Co-opted*) : ഒരോരിക്കൽ ഓരോ വിലയായിരിക്കും അതു്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മെമ്പറുടെ അറിവിൽപെട്ടിടത്തോളം എന്തു വിലയുണ്ടെന്നു പറയാമോ?

MR. C. P. BHATTATIRI (*Co-opted*): സാധാരണ നെല്ല കച്ചവട മുള്ള ഒരാളല്ല ഞാൻ.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): കുടിക്ക കുടിയായുള്ള വില ഗസററിൽ പരസ്യം ചെയ്യാറുണ്ടോ?

MR. C. P. BHATTATIRI (*Co-opted*): അങ്ങനെ കുടിക്ക കുടിയും വീടിനു വീട്ടും ആളിനാളുമായ നിലയിൽ വില എടുക്കുന്നതു കണ്ടിട്ടില്ല.

ഞാൻ പറയുന്നതു ജന്മിമാരും കുടിയാന്മാരും കൂടി രഞ്ജിപ്പായി ആലോചിച്ചു വേണ്ടതു പ്രവർത്തിക്കണമെന്നാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഇവിടെ മി. കെ. പി. നീലകണ്ഠപ്പിള്ളയും മി. എ. നാരായണപിള്ളയും മി. ഇട്ടപ്പൻ നമ്പൂതിരിപ്പാട്ടും ഒരോഭേദഗതികൾ അവതരിപ്പിച്ചിട്ടുണ്ട്. എല്ലാവരും കൂടി രഞ്ജിപ്പിനാണു ശ്രമിക്കേണ്ടതെന്നു മെമ്പർ തന്നെ പറഞ്ഞു. ഇതിൽ ഏതുതരത്തിലായാൽ രഞ്ജിപ്പുണ്ടാകുമെന്നാണ് മെമ്പറുടെ അഭിപ്രായം?

MR. C. P BHATTATIRI (*Co-opted*): അതു ഞാൻ മററുജന്മിമാരുമായി ആലോചിച്ചതിൻെറ ശേഷം പറയാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അപ്പോൾ ഇതുവരെ രഞ്ജിപ്പുണ്ടാകുന്നതിനായി അവരുമായി ആലോചന നടത്തിയിട്ടില്ലേ?

MR. C. P. BHATTATIRI (*Co-opted*): ഉണ്ട്. വല്ല അഭിപ്രായവ്യത്യാസവുമുണ്ടെങ്കിൽ അതിവിടെ പറയുവാൻ തരമില്ല. എന്നാൽ ഇതു മാതിരിയുള്ള ചോദ്യങ്ങളിൽ നിന്നു മെമ്പറുദ്ദേശിക്കുന്ന മറുപടികളൊന്നും കിട്ടുമെന്നു വിചാരിക്കണ്ട. രഞ്ജിപ്പുവേണമെന്നു വാദിക്കുന്ന ഒരാളൊണു ഞാൻ. വ്യക്തിപരമായി അധ കം ത്യാഗം ചെയ്യുവാൻ ഞാൻ തയ്യാറുണ്ട്. പൊതുവെ ഒരു സമുദായത്തെ പ്രതിനിധീകരിക്കുന്നതുകൊണ്ട് തൽക്കാലം ഞാൻ പിന്മാറുന്നുവെന്നേയുള്ളൂ.

MR. RAMA VARMA RAJA (*Edavagai*): ഇപ്പോൾ ഒരുമണിക്കൂർ സമയം കിട്ടിയാൽ ഇതിനെപ്പററി ജന്മിമെമ്പർമാർതമ്മിൽ ആലോചിച്ച് ഒരഭിപ്രായം പറയാൻ തയ്യാറുണ്ടോ?

MR. C. P. BHATTATIRI (*Co-opted*): എന്നെ സംബന്ധിച്ചിടത്തോളം അരമണിക്കൂർ മതിയാകും. അതു പോലെ മററു മെമ്പർമാർക്കും വേണം.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnatlur*): മൂന്നുപേർക്കും കൂടി ഒന്നര മണിക്കൂർമതിയോ?

MR. C. P. BHATTATIRI (*Co-opted*): മതിയാകുമെന്നാണു ഞാൻ വിചാരിക്കുന്നതു്. ഇതിൽ കൂടുതലായി എനിക്കൊന്നും പറയുവാനില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I am not speaking on the amendment before the House, but I wish to state that the jenmi members say that if they are given at least half an hour each they will be able to give us a definite reply. It is for you, Sir, to consider whether such a temporary adjournment could not be given.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): I wish to correct the member. It was only one member who said that if some time is allowed he will consider it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The member wanted half an hour for each of the jenmi members.

PRESIDENT: I should like to have some other member's view about the amendments. Mr. E. V. Krishna Pillai, are you going to speak just now?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I am not able to accept the proposal suggested by the Law Member when he asked Mr. K. P. Nilakanta Pillai whether he would agree if the Kudiyan is enabled to pay merely the market rate of paddy. We are here not primarily concerned with any arbitration between two contending parties. A responsible legislature ought to view the question in quite a different light. That is, we ought to enact a measure which will confer the greatest common good on the State or the communities concerned. If the kudiyan is asked to wait for a year to see what his liability for the coming year will be and if the jenmi also is asked to wait for a year to see what his assets for the coming year will be, my submission is it is the most uneconomic law, because the kudiyan and the jenmi may have their own small family budgets. A ryot who has got only jenmom properties also wants to make some adjustments for the expenses of the coming year and has to prepare a small family budget which will keep him on throughout the year. On the strength of the calculation arrived at by him at the beginning of the year he sends his boy to the school or college. He makes certain definite calculations for setting apart certain amounts for the remittances to be sent to the boy. Suppose next year a committee of some other agency comes and tells him "last year you paid Rs. 15. This year you will have to pay Rs. 24." Then the whole calculation is disturbed. Also viewing the question from the jenmi point of view such an uncertain arrangement will affect him more, because the jenmi has to meet several items of demand for which he has to allot sufficiently early different sums of money that are due to him from the tenant. And if he is asked next year "last year you got Rs. 100 but this year you will get only Rs. 50", that also will disturb him considerably. So no definite economic policy, nothing is possible if a definite arrangement, a definite rate, is not fixed with reference to it by a responsible legislature like this. Probably, as it is, under the circumstances, it may be bad for one party or the other. It may be advantageous to the one

and disadvantageous to the other.' Anyway, we are not here to arbitrate. We are enacting measures of legislation with a broader outlook than that of an ordinary arbitrator. As Mr. Kunjukrishna Pillai has said, paddy has absolutely no chance in the immediate future and if it is found that a certain fixing of the amount which is arrived at now in pursuance of Mr. Nilakanta Pilla's amendment is quite erroneous and and out of proportion to conditions obtaining, then it is open to the legislature or either to the jenmi member or to the law member or even to any non-jenmi member of the House to come forward with an amendment under the section concerned and see that injustice is averted. We have been experiencing this economic depression Sir, for the last one and a half years and we have been anticipating a rise in the price of paddy every day. But we are getting worse and worse reverses, so much so, it has gone down to 12 or even to 11 chakrams, and even the jenmi members, each and every one of them, when they were asked by the Law Member, by the respective movers of the amendments and by the other members of the House, just to say what their calculation is, what their ground for opposing this proposal is, they were fighting shy of this question because they know in their heart of hearts that the price of paddy is falling further and further and that there is no immediate hope for a revival in the near future. So, I am not at all for any arrangement that may be come to by the formation of any Committee or other body and I heartily support Mr. Nilakanta Pilla's amendment with also the prayer that, whether the amount be lower or higher, it ought to be fixed at least for a considerable length of time and it is see that this arrangement does not disturb the economic arrangements that might be made in future by the communities concerned.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I should like to make a few observations on the amendments already moved, particularly with reference to the arguments advanced, for and against. It seems to be conceded on both sides, and I think it must be taken to be accepted, that the price that we fix for the paddy must be such as the Kudiyan could get by selling his paddy on the one hand and on the other hand the price must be such that with that amount the jenmi can purchase the amount of paddy for which the sum is fixed as price In this country paddy is an article of consumption and of daily use for many purposes and the Jenmis are also making good use of the paddy in specie not only for their home consumption but also for other purposes. It is therefore necessary that this House should fix a price which must be such as would enable the Jenmi to purchase about as much paddy as the value, at the price fixed, would represent. Although I asked members whether that would be accepted as a correct proposition and what on that basis will be the fair commutation rate, Sir, upon this point, I found that some of the Jenmi members are not prepared to state, whether out of inability or otherwise I need not enquire, what amount will be a reasonable price at least for a year. Thus from that quarter I have not received any assistance. On the other side, the members put it at 13

[Mr. Kayalam Paramesvaran Pillai.]

chakrams and 11 chakrams per para. I may say at the outset that I am averse to putting a price permanently on the statute book. That would obviously be prejudicial to the Jenmis as well as to the Kudiyans. It is necessary that this House should devise some machinery for arriving at the correct rate from period to period, not necessarily from year to year, because as I said the money that will be paid to the Jenmi should be such as would enable him to purchase the paddy in the very year in which the money is paid. It is not as if the Jenmi is going to hoard up this value of the paddy as a saving or make an investment of this wealth. He requires the money for the purpose of purchasing paddy for his own personal use and for other purposes. It is that, that should be borne in mind. It seems to me therefore that *prima facie* it would not be quite correct to proceed upon the basis of a fixed sum for any considerable length of period, because we must recognise the real fact, that the price should be such as would enable the Jenmi immediately to purchase that paddy for which the value was given him. That fact cannot be ignored by the House although some little percentage of variation may be allowed, I am sure this House will consider that fact when they come to a conclusion in this matter.

On the Jenmi side I find that they were sticking hard to the nirak rate published in the Gazette.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): In that case, I wish to know whether the member has any objection to payment in kind.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question does not arise because we have already passed the clause relating to it. It is an accomplished fact now and when it has become an accomplished fact we must devise some means to carry it out.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it not that believing that we may come to some agreement in this matter this point has been postponed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). I have not the least doubt that the House will apply its mind earnestly and seriously to come to a solution which will be satisfactory to everybody and do justice to everybody.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the Law Member what the other uses are for which the jenmi wants paddy?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Many of the jenmies have Devaswoms, for intance, for which they require paddy.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For that, is there any objection on the part of the jenmies to purchase Akyab or Rangoon paddy

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know. I am told that Akyab paddy cannot be used.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I can make a statement before the House that it is being used in every home.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be—but I am not drawing any distinction upon that at all. None the less paddy must be purchased for the use of the jenmi.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether a company dealing in motor cars would receive paddy from a jenmi who wishes to purchase a motor car?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am saying that a considerable quantity of paddy is required by the jenmi not only for his personal use but also for the use of his Devaswoms and the like. For that paddy and paddy alone could serve and he must get that paddy. That position must be borne in mind by the House. It is not enough to talk of a fixed rate for say 30 years to come or to fix a price on an average of 30 years. You must fix a price which must enable them to purchase at least about that quantity of paddy for which the value is paid. That is a point that the House has to bear in mind.

I was saying that the jenmies were sticking hard to the nirak rate published in the Gazette. It is no doubt a publication made by the Government. But I do not know whether on this question of payment by the kudiyan it will be quite right to proceed implicitly upon the publication made there. I do not know what the case in other countries is. In Travancore, at any rate, this publication of niraks has been in vogue from very ancient days, and from very ancient days it has also been criticised. Sir, I have been able to come upon a document to show that this publication was criticised to the very face of Government and the Government had to find some remedy to meet that criticism. It is found there that the merchants from whom the nirak had to be ascertained were giving as price a figure which was not based upon the real prices, and the order that Government then passed was that such persons must be prosecuted. I do not think that it is possible now. Probably it will be interesting to this house if I read the Government order I referred to. It is only a very short thing. You will find that in the Land Revenue Manual Vol. V, at page 547. I shall read it.

(416) Circular No. 2126 dated 26th Karkatagom 1033. M. E.

(Huzur Central Vernacular Records)

"൧൦൩൩-ാമാണ്ടു കക്കടകമാസം ൨൬ ാം-നമ്പർ ൨൧൨൬.

പത്മനാഭപുരം ചേത്തല രണ്ടുഡിവിഷനിലേക്കും നെയ്യാററുങ്കര മുതൽ ൧൮ തഹശീൽദാരന്മാക്കും കവോളങ്ങളിൽ നിന്നും വരുന്ന നിരക്കുകളിൽ ക്രമവും ന്യായവും ഇല്ലാതെ ചില ചരക്കുകൾക്കു തത്സ്ഥലത്തു വ

[Mr. Kayalam Paramesvaran Pillai.]

ലവും മറ്റൊരിടത്തു അളവും ആയിട്ടും മററും എഴുതികാണുന്നതിനാൽ ആവശ്യംപോലെ അതാതു ചരക്കുകൾക്കു ഇനംതിരിച്ചു വിലതിട്ടം വരുത്തുവാനും വ്യത്യാസമുള്ളതു അറിവാനും പ്രയാസമായി തീൎന്നിരിക്കുന്നതും ദേവസ്വം ഇടപെട്ട ആളുകളും ഊട്ടിൽ തങ്ങൾ നടത്തുന്നവരും കച്ചവടക്കാറരും തമ്മിൽചേൎന്ന അവരുടെ കാൎയ്യലാഭത്തിനുവേണ്ടി വില്ക്കും വിലയിൽക്കൂട്ടി നിരക്ക എഴുതുകയും ആയതു അനുസരിച്ചു കണക്കുകൾ തീൎക്കുന്നതിൽവച്ചു പണ്ടാരവകക്ക നഷ്ടത്തിനു ഇടമായിതീരുകയും ചെയ്തുവരുന്നതും ആകയാൽ അങ്ങനെവരാതെ ചട്ടംകെട്ടേണ്ടുന്നതു എത്രയും ആവശ്യമാകകൊണ്ടു നിരക്ക വരുത്തേണ്ടുന്ന ക്രമത്തിനു അളവെട്ടിൽ അറിവു വയ്യോല എഴുതിച്ചു ഇതിനോടുകൂടി കൊടുത്തയച്ചിരിക്കുന്നു. ആ മണ്ഡപത്തുംവാതുക്കൽ ചേൎന്ന കരമ്പോളങ്ങളിൽ നിന്നും ൧൦൩൪-ാം ആണ്ടു ആവണിമാസം മുതൽക്കുള്ള നിരക്ക അളവു ശരിയിട്ട ചെളിയിലിട്ട ഓലയിൽ അറിവു വയ്യോലയുടെ ക്രമത്തിനു അതാതു വകക്ക പ്രമാണപ്പെട്ട കച്ചവടക്കാറരെകൊണ്ടു എഴുതി എഴുതിട്ടുവിച്ചു തഹശീൽദാർ മുതലായ ആളുകളുടെ കയ്യൊപ്പോടുകൂടി കീഴിലെ പതിവുപോലെ അതാതു മാസം ൧-ാംനു മുതൽ ൧൫-ാംനു വരെ നിരക്ക ആ മാസം ൫-ാംനു-ാകവും ൧൬ാംനു മുതൽ ൩൦ാംനു വരെ നിരക്ക ൨൦ാംനു-ക്കകവും ഹജൂരിൽ വന്നു ചേരത്തക്കവണ്ണം കൊടുത്തയക്കുന്നതും അല്ലാതെ ഒരു വക ചരക്കുകളും വില്ക്കുന്ന വിലയിൽ കൂട്ടി നിരക്ക എഴുതാതെ ജാഗ്രതയായിട്ട വിചാരിക്കയും തവണതോറും നിരക്ക എഴുതി തീൎന്നതിന്റെശേഷമായിട്ട നിരക്കവില ശരിതന്നയോ എന്നു ചിലകോപ്പുകൾ പേരിട്ട കൈവിലക്ക വരുത്തിയൊ മറ്റൊ നോക്കിതിട്ടം വരുത്തി വ്യത്യാസം കണ്ടാൽ അങ്ങനെ വില കൂട്ടി എഴുതിയ സ്ഥലത്തു കച്ചവടക്കാറരെ വരുത്തി പോലീസ് നമ്പരിൽ ചേൎത്തു വിസ്തരിച്ചു റഗുലേഷൻ പ്രകാരം തീൎച്ചനിശ്ചയിച്ചു എഴുതി ബോധിപ്പിക്കുകയും ചെയ്തുകൊള്ളുകയും വേണം."

Thus you will see that Government then ordered that a merchant who gave wrong or false prices must be prosecuted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether such an arrangement is practicable now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not practicable in my opinion.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know whether a more efficient machinery was found out?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am coming to that.

Then what was done was that a further order was issued to the effect that Tahsildars should depute one of their clerks to go to the bazaar and ascertain the price and that Tahsildars should themselves verify occasionally. And they used to get the signature of the merchants to the statement of the prices. In these democratic days the merchant is not likely to obey the Tahsildar readily. The merchant would ask the law which empowers his signature being taken and as a matter of fact merchants began to refuse signature and the question arose whether the merchant can be compelled to sign it. It was of course decided that he could not be *compelled*. An order was then issued by the Government in 1915, No. 3903/D dated, 6-10-1915 to the effect that the merchants should not be compelled to sign if he did not sign willingly and if he refused, his signature need not be taken. So the present position is that the merchant cannot be prosecuted or even compelled to sign and the merchant in the bazaar knows it and the Clerk and Tahsildar is left to shift for themselves as best as they could. I am not saying that the lists are necessarily wrong. But if any person questions the correctness of the list then that complaint has necessarily to be given consideration by the jenmi, by the court of law and by this House. The Jenmi-kudiyan Committee has also animadverted on these Niraks. You will see that at page 104 of the committee's report. It says :—

> "The committee are satisfied that the procedure followed in the preparation of Nirak throughout the State is such that its acceptance as a guide by courts has resulted in serious miscarriage of justice. A low paid peon or two entrusted with this work cannot be expected to do better."

There is a particular reason why the complaint about this market rate comes always to a point. Until the season of plenty of paddy is over the jenmies are alleged to wait to claim their dues. When the market price of paddy rose they would file suits and get decrees. This came in for criticism by the Raman Tampi Committee of Enquiry and they have particularly made mention of that. They state that the proper way for the court is to decree the suits for paddy, in *paddy* and not in money.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): നെല്ലിൻെറവില കൂടുതലായിരിക്കുന്ന അവസരത്തിൽ ആണു ജന്മിമാർ സാധാരണയായി അന്യായംകൊടുക്കുന്നതെന്നു മെമ്പർ പറയുന്നുണ്ടല്ലോ. അതു ആധാര പ്രകാരമുള്ള അവസരം കഴിയുന്നതിനു മുമ്പേറായിട്ടാണോ കൊടുക്കുന്നതു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) അറിഞ്ഞുകൂടാ. ആധാരപ്രകാരമുള്ള സമയത്തിനു മുമ്പ് അന്യായം കൊടുക്കുവാൻ പാടില്ലല്ലോ.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ആധാരത്തിൽ ഇന്നമാസം ഇത്രാം തീയതി നെല്ലുകൊടുത്തു കൊള്ളാമെന്നു പറഞ്ഞിരുന്നാൽ ആ തീയതി കഴിഞ്ഞല്ലേ അന്യായം കൊടുക്കുവാൻ തരമുള്ളു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അത്രയേ പാടുള്ളു. എന്നാൽ ചിങ്ങമാസത്തിൽ നെല്ലുകൊടുക്കാമെന്നു കരാർചെയ്തിരിക്കും. അന്നു ൫൭ ചക്രമേ വില കാണുകയുള്ളു. കൂടുതൽപണം കിട്ടുന്നതിനുവേണ്ടി നെല്ലിനു ൨൭ ചക്രം വിലയുള്ള മിഥുനം കർക്കടകം ഈ മാസങ്ങൾവരെ കാത്തിരുന്ന് അന്യായം കൊടുത്തു എന്നുവരാം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കുടിശിക വന്നാലല്ലേയുള്ളു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Srikr Vakil*): കുടിശിക ൫൨ കൊല്ലംവരെ ഇടാമല്ലോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): സാധാരണ കർക്കടകം ൩൦-ാം തീയതിയാകുന്നതുവരെ നോക്കിയിരിക്കേണ്ടതായിട്ടുണ്ട്. ആ അവസരംവരെ കിട്ടാതെയിരുന്നാൽ ചിങ്ങത്തിലോ കന്നിയിലോ ആണു കേസുകൊടുക്കേണ്ടതു്. അപ്പോഴം ഈ നിരക്കുവിലകിട്ടുമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ആ കുടിശിക കർക്കടകം ൨൦-ന് കഴിഞ്ഞാണു വരുന്നതെങ്കിൽ ചിങ്ങത്തിലോ കന്നിയിലോ എപ്പോഴാണോ വില കൂടുതലുള്ളതു് അപ്പോഴം അന്യായം കൊടുക്കാം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അന്യായം കൊടുക്കുന്നതു് ആ അവസരത്തിലെ നിരക്കുവില അനുസരിച്ചല്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sairkar Vakil*): ആയിരിക്കും. എന്നാൽ അന്യായം കൊടുക്കുന്നതു വില കൂടുതലുള്ള സമയത്തായിരിക്കുമെന്നാണു ഞാൻ പറഞ്ഞതു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*); നെല്ലിനു സാധാരണ മീനം മേടം ഇടവം ഈ മൂന്നുമാസത്തിൽ വില കുറഞ്ഞിരിക്കും. ആ കാലങ്ങളിൽ കിട്ടേണ്ടനെല്ലു കർക്കടകംവരെ കിട്ടുന്നുണ്ടോ എന്നു നോക്കിയിരിക്കും. അപ്പോഴം കിട്ടിയില്ലെങ്കിൽ ചിങ്ങത്തിലോ കന്നിയിലോ മാത്രമല്ലേ അന്യായം കൊടുക്കുവാൻ സാധിക്കുകയുള്ളു. അന്നു നിരക്കുവില ഒരുപക്ഷെ കൂടുതലായിരിക്കും.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sairkar Vakil*): ജന്മിയുടെ ഇഷ്ടംപോലെ അന്യായം കൊടുക്കാമെന്നാണു ചട്ടം. ഇതിനെപ്പററി റിപ്പോർട്ടിൽ പറഞ്ഞിരിക്കുന്നതു ഇങ്ങനെയാണ്. ൫൦൭-ാം വശത്തു.

"The Committee have incidentally referred to the unfairness of decrees passed in suits instituted in months of scarcity and high prices of food grains. The practice of courts which upholds the claim of a Jenmi or other creditor to value paddy at the market rate prevailing on the date of his suit is in the

Committee's oponion, objectionable in substance and indefensible on principle. The plaintiff is thereby wary enough to avoid suing till the period of high prices sets in. It would be better and fairer if the decree directs payment in kind within a specified period and in default, payment in money at a rate to be fixed with due regard to all the circumstances in evidence. The Jenmi's objection founded on the hitherto prevailing practice of Civil Courts does not carry much weight with the Committee".

So that it will be seen that there is good ground for bitterness and complaint in this matter. But we are not concerned just now with enquiring into or ascertaining the truth or otherwise of this complaint. The complaints are there that jenmis file suits when prices are high, and the courts solved the complaints in one way. What the court did was this: The High Court held that wherever paddy is asked for in a suit it should be decreed as paddy and if the kudiyan failed to pay the paddy on a date specified by the court it should be paid at the value prevailing at *that date.* So that the unfairness has been removed as far as possible, because the kudiyan could overcome a claim of high price by paying the paddy itself and the kudiyan could thus be saved from paying a very high or exhorbitant value.

Now, Sir, the House has passed the clause that the kudiyan shall pay that paddy only in money. That is the effect of the Bill so far as it has been passed. In working it, we should not do injustice either to the jenmi or to the kudiyan, because the kudiyan must find money by selling paddy and jenmi must have sufficient money to purchase paddy although there may be slight variations. So, we have to find some way for that.

I am not saying that, Mr. Nilakanta Pillai's amendment that it should be 13 chuckrams, or Mr. Krishna Pillai's amendment that it should be 11 chuckrams, should be accepted. Nor do I say that the nirak rates published in the Government Gazette should be accepted. For the purpose of finding out a solution, the House has to devise a machinery which will serve what we want.

It is not reasonable that this House should now fix the market rate by legislation for all time to come. A legislation is permanent and whatever price you fix in the Regulation is likely to work hardship either to the kudiyan or to the jenmis. If you take an average of 15 years and then fix that as the market value in the Regulation, it may be a correct thing from the point of view of arithmetic. But if you consider that the jenmi has to find money for purchasing paddy and the kudiyan has to find money by selling paddy, that average rate may work hardship. That fact has also to be borne in mind. If all these things are considered, it will be found to be practically impossible to find any definite figure for fixing it in the Regulation itself as a permanent figure. You will have to devise a machinery for fixing the correct rates for payment in money. I think therefore, Sir, that there is good room for members to talk over the matter informally. If you agree with me,

[Mr. Kayalam Paramesvaran Pillai.]

Sir, you may adjourn the House for a few hours and allow it to meet under the presidency of Mr. Venkatarama Aiyar, Deputy President and talk over this informally and allow us to meet again at 3·30, after coming to some conclusion, if that is possible.

PRESIDENT: I think it is now the usual time to adjourn. I hope the members would try earnestly to come to an agreement on this important question by meeting informally under the presidency of the Deputy President.

The House adjourned for lunch at 1-40 P. M. and re-assembled at 3-35 P. M.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, since we adjourned for lunch, there has been an exchange of views between the members of this House. I find that it is not possible to reach an agreement as to any figure that may be embodied in the statute itself. Probably there is good reason too for the members who hold to their views. I am not at all blaiming those who represent the jenmi or the kudiyan views. But it is absolutely necessary that when this measure is passed we must find a way out of the difficulty because when the collection of jenmikaram is taken over by Government it has to be paid and collected in money. Therefore, it is absolutely essential to devise a machinery which would fix what the money payment should be. It is possible to criticise any machinery that may be devised. If any member can find any thing better than what I am going to offer now I shall accept it.

With these observations, I propose to move an amendment to the effect that the commutation rates must be settled by the Government on their responsibility but with the advice of a committee in which the jenmi and the kudiyan interests will be represented. The following is the amendment that I propose.

For Section 46, substituting the following :—

46 (1) Subject to the provisions of this Regulation, Our Government may, from time to time, fix the rates for the commutation into money of paddy or other commodities for the purposes of this Regulation and notify the same in Our Government Gazette and the rates so fixed shall be the rates for commutation for the purposes of this Regulation.

Explanation :—The rates may be uniform for the whole State or for all purposes or may vary.

(2) In fixing the rates, Our Government shall be guided by such rules as may be passed by Our Government after previous publication.

(3) Such rules shall, inter alia, provide for the appointment of a Committee to advise Our Government as to the rates to be fixed under this Section. The Committee shall consist of five members, two to represent the Jenmi interests, two to represent the Kudiyan interests, and one, an official, to be the Chairman, and shall follow such procedure as may be prescribed.

Explanation.—The Committee may be a single Committee for the whole State or there may be different Committees for different places.

Sir, this amendment has been drafted in some haste. But I believe I have conveyed the idea that is sought to be embodied. If any member feels that any improvement in drafting can be made, he may communicate that to me and I shall consider that and move the necessary drafting change in the third reading stage. The principle is there. I hope it will be accepted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What is meant by "other commodities?"

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have always thought that there could not be any other commodity than paddy. But perhaps there may be some other commodities. In michavaram there may be some such commodity. So out of caution I have put it in.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Even the jenmi members do not claim that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is my impression. I do not say that the amendment is final. I shall move, if any drafting change is necessary, at the third reading stage.

MR. A. NARAYANA PILLAI (*Vaikam*) : നാളികേരത്തിന്റെ വിലയെപ്പററി ഇതിൽ പറയാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അതിനെപ്പററി പറയുന്നതുകൊണ്ടു ദോഷമില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I heard the Law Member saying that the rates may be uniform for all purposes. I wish to know what is the reason for that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ജന്മിക്കരമായി കൊടുക്കുന്ന പണംകൊണ്ട് അത്രയുമൊ അതിനടുത്തോ നെല്ലു കിട്ടത്തക്കവിധത്തിലുള്ള ഒരു വിലയായിരിക്കണം അതിന് നിശ്ചയിക്കേണ്ടതു്. അടുത്ത സെററിൽമെൻറുകാലത്തു് കൂട്ടുകയോ കുറയുകയോ ചെയ്യുമെന്നുള്ളതിനാൽ അഭിപ്രായത്തെ വിലയെപ്പററി ഇപ്പോൾ ഒന്നുംപറയേണ്ട ആവശ്യമില്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does it mean for the purposes of this Regulation that the rates should be informed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിക്കരമായി കൊടുക്കുന്നപണം കൊടുത്താൽ അത്രയും നെല്ലുകിട്ടണം. അതു ഒരു purpose. അടുത്തകണ്ടെഴുത്തുവരുമ്പോൾ ജന്മിക്കരം കൂട്ടുകയോ കുറയ്ക്കുകയോ ചെയ്യേണ്ടിവരും. ആ അവസരത്തിൽ അതിന് ഒരു ആവറേജ് വിലവച്ചാൽ മതിയാകും. അതു വേറൊരു purpose. ജന്മിക്കരത്തിന് അങ്ങനെയുള്ള ആവറേജ് വച്ചാൽപോരല്ലോ.

[Mr. Kayalam Paramesvaran Pillai.]

ഞാൻ ഇപ്പോൾ ഇംഗ്ലീഷിൽചെയ്ത പ്രസംഗത്തിൻെറ ചുരുക്കം പറയാം. വില കണക്കാക്കുന്നതിനെപ്പററി രണ്ടുകക്ഷികൾക്കും യോജിപ്പായഒരു തീരുമാനം ഉണ്ടാക്കാൻ സാധിക്കുമോഎന്ന് നോക്കിയതിൽ രണ്ടു കക്ഷികളും യോജിക്കാൻ തയാറില്ലാതെയാണു കണ്ടതു. ഞങ്ങളുടെ കൂടിയാലോചനയിൽ നടന്ന എല്ലാ സംഗതികളും ഇവിടെപറയണമെന്ന് വിചാരിക്കുന്നില്ല. ജന്മിക്കരം പിരിച്ചുകൊടുക്കാമെന്നുള്ള ഭാരം ഗവൺമെൻറു ഏററതുകൊണ്ട് അതു പണമായിതന്നെ കൊടുക്കണം. എന്നാൽ ആ നെല്ലിനെ പണമാക്കാനുള്ളവഴി എങ്ങനെഎന്നു നിശ്ചയിക്കേണ്ടചുമതല നമുക്കുണ്ടു. ഞാൻ ഒരുവഴിപറഞ്ഞാൽ അതു് തെററിപ്പോയതായി മറെറാരാൾക്ക് തോന്നാം. അങ്ങനെ ഓരോരുത്തരും പറഞ്ഞാൽ ഒരുവഴി കണ്ടുപിടിക്കുവാൻ സാധിക്കുകയില്ലല്ലോ. ഇപ്പോൾ ഞാൻ കൊണ്ടുവരുന്ന അമൻറുമെൻറുപോലെ വേറെ ഒന്നും ഇല്ലാത്തതുകൊണ്ട് അതിനെപ്പററി പറയാം. വില നിശ്ചയിക്കുന്നഭാരം ഗവൺമെൻറ് ഏല്ക്കുകയാണ് ചെയ്യുന്നതു്. അതിനെപ്പററി ഗസററിലിടുന്നതു ഗവൺമെൻറുത്തരവാദിത്വത്തിന്മേലാണ്. അതിലേക്കു ഗവൺമെൻറിനെ ഉപദേശിക്കാൻ, നിർബന്ധിക്കുവാനല്ല, ഒരു കമ്മിററി ഉണ്ടാക്കണം. ആ കമ്മിററിയിൽ ജന്മിമാരെ പ്രതിനിധീകരിക്കുവാൻ രണ്ടുപേരും കുടിയാന്മാരെ പ്രതിനിധീകരിക്കുവാൻ രണ്ടുപേരും ഉണ്ടായിരിക്കണം. കമ്മററിയുടെ അദ്ധ്യക്ഷൻ ഒരുദ്യോഗസ്ഥനായിരിക്കണം. ഇങ്ങനെയുള്ള ഒരു കമ്മററിനിശ്ചയിക്കുന്ന വിലയിന്മേൽ ഗവൺമെൻറ് ഉത്തരവുചെയ്യുന്നതാണ്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഈ കമ്മിററിക്കാർ വിലനിശ്ചയിക്കുന്നതു ജന്മിയും കുടിയാനും തമ്മിലുള്ള സംഗതിക്കുമാത്രമാണോ അതല്ല അവരുടെ നിരക്കു റേററു ഗസററിൽ പരസ്യംചെയ്യുന്നതിനുകൂടി ഉപയോഗിക്കുമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ആ നിരക്കിനെപ്പററി പിന്നീടു പറയാമെന്നാണ് ഞാൻ വിചാരിക്കുന്നതു്. അതിനെപ്പററിയും ആലോചിക്കുന്നതാണ്. കമ്മിററിക്കാർ നിശ്ചയിക്കുന്നതു ഈ റഗുലേഷനുവേണ്ടിയെന്നാണ് അമൻറുമെൻറ്. എന്നാൽ ആ വിലകൊടുത്താൽ അത്രയും നെല്ല് അവർക്കു കിട്ടണമെന്ന് ഉദ്ദേശമുണ്ട്. തുച്ഛമായ കൂടുതൽ കുറവു വന്നാലും തരക്കേടില്ല. ജന്മിമാർക്കുതന്നെ അറയുംമറവും ഇനിവേണ്ടല്ലോ. കണ്ടെഴുത്തുവരുമ്പോൾ ജന്മിക്കരം കൂട്ടുകയോ കുറയുകയോ ചെയ്യും. അതിനു നാല്ലോ

അഞ്ചോ കൊല്ലത്തെ വിലയുടെ ആവറേജ് എടുത്താലും വിരോധമില്ല. അതിലേക്ക വിലനിശ്ചയിക്കുന്നതു പ്രത്യേകമായിരിക്കണം. ജന്മിക്കരത്തിന നിശ്ചയിക്കുന്നതുപോലെ വേണ്ടല്ലൊ

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഈ കമ്മിററിക്കാർ ഏതുകാലത്തെ വിലയാണു നിശ്ചയിക്കുന്നതു ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതാതു കാലത്തെ വിലയാണു നിശ്ചയിക്കുന്നത്. പക്ഷെ അതു് രണ്ടുകൂട്ടൎക്കും ദോഷമില്ലാത്തവിധത്തിലായിരിക്കണം.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnathur*): വൃശ്ചികം കൎക്കടകം എന്നീമാസങ്ങളിൽ നെല്ലിന്റെ വിലകൂടിയും മററു സമയങ്ങളിൽ വിലകുറഞ്ഞും ഇരിക്കും. ആ സ്ഥിതിക്ക് ഏതുസമയത്തെ വിലയാണ് നിശ്ചയിക്കുന്നത്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ പറയുന്നതു ഗവൺമെൻറായിരിക്കും. വൃശ്ചികമാസത്തെ വിലകൊടുക്കണമെന്നു പറഞ്ഞാൽ ആ വില കൊടുക്കുകതന്നെ വേണം.

MR. KOCHUKORA TARAKAN (*Kunnatnad*): കൃഷിക്കാർ സാധാരണയായിസാധുക്കളാണ്. അവർ ധാരാളം പണമുള്ളവരല്ലാത്തതുകൊണ്ടു വിലകൂടുതലുള്ള വൃശ്ചികമാസത്തെവില കൊടുക്കണമെന്നു നിശ്ചയിക്കുകയാണെങ്കിൽ അവൎക്കു കൊടുക്കാൻ സാധിക്കാതെവരും. അവർ അങ്ങനെ വളരെകഷ്ടപ്പെടേണ്ടിവരും.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): മിസ്റ്റർ തരകനെപ്പോലുള്ള പ്രമാണികൾ തമ്മിൽപറഞ്ഞു് അതിനെ ശരിപ്പെടുത്തണം.

MR. KOCHUKORA TARAKAN (*Kunnatnad*): വിളവ് എടുക്കുന്ന കാലത്തെ വിലയാണു നിശ്ചയിക്കേണ്ടതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു് അപ്പോഴത്തെ സൗകൎയ്യംപോലെമാത്രമെ നിശ്ചയിക്കുവാൻ നിവൃത്തിയുള്ളൂ.

MR. RAMA VARMA RAJA (*Edavagai*): Why not the word 'Officer' defined as not below the status of the *Dewan Peishkar*?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): എല്ലാസ്ഥലത്തും ദിവാൻപേഷ്കാർതന്നെ അദ്ധ്യക്ഷനായിരിക്കുക എന്നുള്ളതു സാദ്ധ്യമല്ല. തക്കചുമതലയുള്ള ഉദ്യോഗസ്ഥൻ എന്നു ഇവി

[Mr. Kayalam Paramesvaran Pillai]

ടെ പറയുന്നൊള്ളൂ. കമ്മിററിക്കാരുടെ അഭിപ്രായത്തിന്മേൽ ഗവണ്മെൻറാണു വില തീരുമാനിക്കുന്നത്. അതുകൊണ്ട് അദ്ധ്യക്ഷൻ ആരാണെന്ന് ഇതിൽ തീർച്ചപ്പെടുത്തി പറയാൻ നിവൃത്തിയില്ല. അതിനാൽ എൻെറ ഈ അഭിപ്രായത്തോടുകൂടി എല്ലാവരും യോജിക്കുമെന്നു വിശ്വസിക്കുന്നു.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I wish to make a few observations upon the amendment moved by the Law Member. As observed by the President and most of the members, we have reached a very important or the most important or difficult part of the Bill and the attempt now made is to evade that issue. The difficulty which is now stated is that it is rather difficult to come to a compromise because the jenmi members and the non-jenmi members are unable to arrive at a commutation rate. In this House, we have three members to represent jenmies' interests, 34 members representing the whole State and 15 members representing Government. In spite of all attempts made by us we are unable to arrive at a figure even for one or two years. I asked the jenmi members to give at least the price of paddy that is now prevailing in their localities. They did not answer that question. Now I feel, that when we come to a very difficult point, this House should not evade that issue. By this amendment what is proposed is to appoint a committee with two jenmi members and two members to represent the kudiyan interests and an official. From what we have heard from the discussion preceding, we find that the jenmies always wanted to bargain in such a manner as to gain the utmost, while others who wanted to protect the interests of the kudiyans desire to fix a commutation rate which is most favourable to the kudiyans. Will this mentality change when two jenmi members and two non-jenmi members meet together? If this mentality does not change the result is that the Official will be in a position to decide as to what should take place. These members have only a chance of appealing to the good sense of the official President and so it will more or less depend upon the inclination of the particular officer who happens to preside over that deliberation.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Have they not some materials to consider and decide?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): It will be another Popular Assembly where each party can represent his view and the decision of the chair will be made final for the Government to act upon.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Whatever that be, does not the member think that the Committee should be only an advisory body and that the final decision should be made by the Government?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) When the Government have appointed a committee and when that makes a recommendation and if it is not acted upon by Government, then many criticisms will be levelled against the conduct of the Government. The committee is after all a creature of the Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Is not the member aware that the Committee can take documentary evidence?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : The amendment says that the committee shall follow such and such procedure as may be prescribed from time to time by Government. I myself do not know what all functions the committee will be empowered to discharge ?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Could not the member now make provisions to be embodied in the rules ?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : For my part, I fear there will be friction. Of course here we may pass the legislation for the creation of a committee where fight will take place between jenmi members and members representing kudiyan interests and the official president deeciding in some way. That committee will perhaps decide according to the majority view That is what I fear. So, if we accept the proposition of Government I do not think it is workable. We have seen that on many occasions. If we refer to reports of committees appointed by Government, when this question of jenmi and kudiyan interests arose, even as regards safeguards, some of the decisions were in favour of jenmies and some others were much in favour of the kudiyans. Even some of our Rulers have stated that certain officers have been favouring the jenmies too much and on that ground the jenmies are deriving a great advantage. All such difficulties we have experienced in the case of even judicial officers who were appointed as Chairmen of the committees. I fear, we are running a very great risk. But I do not come to any conclusion on this point now. I would hear the views of other members and then decide as to what I should do.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What is the solution arrived at by the member on this important point ?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Until I hear all the other members I do not propose to give a decision.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is it the members' best solution not to say one way or other ? Rather than leaving it to individuals for decision, does the member think that it is enough if every member stands up and says like Mr. Asan ?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Now there are four amendments before the House. They are by Messrs. A. Narayana Pillai, K. P. Nilakanta Pillai,..............

MR. S. KRISHNA PILLAI (*Karunagapalli*) : May I take it then, that the member would not accept the amendment of the Law Member?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If choice is left to me I will prefer the amendment of Mr. Narayana Pillai. I fear we are evading the real issue by referring the matter to a committee.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is it that makes the amendment of the Law Member unacceptable?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Only after hearing all the other members I am going to decide.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Again Sir, Mr. Asan is only in doubt. Before he concludes, let me know whether he is opposing the present amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have stated, that as I understand the amendment, it is not acceptable to me.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): If all of us follow your example and reserve decision to the end, what will be the fate of the resolution please?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That means, that we will agree fully and vote together. (*Laughter*).

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not propose to shirk the responsibility that has devolved on my shoulders in regard to this matter. (Mr. Kottur Kunjukrishna Pillai, *hear, hear*). There is no use in making half way and halting statements. If we get out of the hall, certainly we are bound to face the constituency and we must not, when we go there, be in a position not to offer a satisfactory explanation. From the Chair, this matter was brought up for discussion. In this House, we have been agitating that the commutation rate of paddy shall be fixed at 11 chuckrams. From that day onwards till this very minute, we have been discussing this subject and attempting to come to a compromise. All our attempts have failed. We are now brought face to face with the last amendment brought forward by the Law Member. During the informal conference the Law Member made a statement, *i. e.*, before we commenced sittings at 3-30. We are led to believe that the only question in regard to this bill now as, to put it shortly, to be or not to be. The issue now is whether we sh ll have this bill and push through the third reading or shall we wreck it and throw it out of the House. Now, if that is the contingency we are called upon to fall, as a person who has been representing the interests of the Kudiyans and as a person who is still very much interested in the welfare of both, Kudiyans and Jenmies, I would most unhesitatingly state that what the Law Member stated now should be accepted, in case, we are not in a position to come to some agreement. In case we do not accept the Law Member's amendment, there again note, he will not undertake the responsibility of bringing up this bill for third reading in this session itself. I will most unhesitatingly and unequivocally declare that we shall, as the least and smallest of the evils be justified in accepting the Law Member's statement. (Cries of *hear, hear*). We are

here not to be swayed by personal considerations, public criticisms or by public opinions. The only thing that is expected of us is that we shall be straightforward and clear in making our statements and as for myself and my friends who will be supporting the Law Member's amendment, I can most candidly state that as a matter of expediency and as the only course left open to us, we support the Law Member's amendment. I no doubt concede that the Law Member's amendment when accepted would not have certainly its drawbacks. But those are only evils which could be considered to be blessings, when we consider the gruesome nature of the alternatives that we are called upon to face and as a result the bill will have to be thrown out. If the commutation rate was fixed at 11 chs. Kudiyans will have considered it a blessing. The Kudiyans will have accepted that certainly, if the Jenmi members had accepted that. The Kudiyans would have felt that the Jenmies were making a large concession and that with an open heart. They did not accept it and would not accept it. The Kudiyans then said that they are prepared to give 13 chs. The Jemies would have done well if that had been accepted. Then they were again offered 13 chs. rate for two years. They stoutly said that they would not accept it. After all these, the Jenmies came forward with a proposal that they will accept 14 chs. rate and that for one year. Any person could see that it had no bonafides with it, because the prevailing price of paddy is much less than that. If we had accepted that for one year, it would have given an opportunity to Mr. Tuppan Namputiripad for saying that "we have befooled all the non-Jenmi members. They did not know the conditions obtaining in the country. We made certain proposals. The Kudiyans have accepted them blindly. The Kudiyans have done a great help to them." We do not want to be criticised by the Jenmi members like that. On the other hand whatever blame may be laid on our shoulders for accepting this alternative of the Law Member at the last moment we honestly assert, we are doing with an open mind as the only resort open to us. So long as the Jenmi members have persistently stated that they would not accept not only 11 chs., but even 13 chs. that we offered, and that for at least two years, we think Sir, that we shall, for the sake of expediency yield and accept the Government amendment. With these few words, I express my approbation of what the Law Member has stated and if I have not been definite in my statements, I may correct myself once again and state that the solemn and precise statement I wish to make is, I heartily accept the Law Member's suggestion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Sir. I believe discretion is the better part of valour though mistakes occur even in the case of legislatures also.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Honesty is the best policy.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I am here in practical politics. I think the maximum quota holds with greater force. My point is this. Some kudiyan members were saying

[Mr. E. V. Krishna Pillai.]

that if 11 chuckrams or 13 chuckrams rate is not fixed here and if the rate is allowed to go higher up it will be against the interest of the kudiyans and also it will be unjust so far as they are concerned. I say those who advocate like that cannot be heard to say or they are estoped from favouring against the constitution of a committee like the one proposed by the Law Member, so long as they are unable to prejudge the work of the committee. What we emphatically say is that the rates prevailing in the country are very low and as such if any rate beyond 11 or 12 chuckrams is fixed for ever or for a temporary period it will be very hard. And now what the Law Member seems to reply to us is "well, Government accept your arguments and so you are given a committee, which committee is expected in the ordinary course of things to correctly recommend to Government about the prevailing rates in the country of the price of paddy." If we are going to condemn the committee even before its constitution and the formation of the rules and procedure to be adopted by that committee certainly we may not be doing it as discriminating citizens would be doing. So I, on my part, would expect the Government to see that the committee proposed by the Law Member is formed and the rules so framed as to enable the Kudiyans, and for that matter also the jenmis, to get justice done at the hands of the committee or by the Government on the advice of the committee. And so I am not going to condemn the committee. It is not provided in the amendment as to how Government are to make rules for the formation of a committee like this. As Mr. Krishna Pillai has honestly said we would rather accept the proposal of the Law Member than see that the Bill that has been pending before this House for a long time and that has been attracting the attention of the whole country, is wrecked.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): On whose responsibility will it be wrecked if it is wrecked at all?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Opinions may differ. But I, for my part, am not contending that the committee's business cannot be acceptable to kudiyan in general. They may ask us "well, you have agreed so far, you have given the kudiyan a more substantive right on his holding than was allowed by the existing Regulation, you have rather changed the character of the tenure, you have redeemed the kudiyan from the grip of the jenmis and also you have done much for the jenmis but you are not in a position to settle at the Legislative Council whether a committee like this would not be working favourably to the kudiyans". If they ask these questions we may not be in a position to answer them definitely.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Government is not prepared to accept it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Government is not expected to be one sided. They ought to take into consideration the interest of the kudiyans and the jenmies alike.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Who is the kudiyan's representaive here?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): All except perhaps three members here want justice to be done to both the parties alike.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Then it is one sided because the other party is not represented. Its decisions will be an exparty decision.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): We are making a legislation in the interest of the inhabitants of the whole State. When Mr. Asan passed some observations regarding the probable way in which the committee would be working I asked him a question which I want the Government to bear in mind just to see that all these difficulties pointed out are avoided when specific recommendations on the rates prevailing in the country are made to Government. The committee are not going to come to a haphazarded decision. They might examine persons, documentary evidences and avail themselves of the opportunity for the formation of correct conclusions. They should see that the utmost care possible is devoted to the work entrusted to them. When the Government receives the recommendations of these committees they should see that the committees base their recommendations on tangible and real documentary or oral evidence. If any committee fails to satisfy the Government with their accuracy they should send back the report asking the committee to see that the ordinary canons of justice are applied in making the recommendations.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the member fear that a legislation passed by this House after the second reading cannot be brought for the third reading in case we do not agree to the amendments proposed by the Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The difficulty is that the Bill is in the hands of the Government.

MR. KAYALAM PARAMESVARAN PILLAI: (*Additional Head Sirkar Vakil*): In the hands of the mover.

MR E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Yes in the hands of the mover and I do not think we can influence him to do as we like him to do. That is the difficulty.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Are not Government to act according to the conventions of this House?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Certainly they are. Probably it is on the strength of the conventions obtaining in this House that the Law member has given us that informal threat.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is not the second reading of the Sreepadam Bill over?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Where is it now?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I do not know; Mr. Asan may know it better.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has anybody represented to Government that it should be brought immediately?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I do not know, because I am against doing so.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that the life of this Council will soon be expired?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is exactly my point.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that if this Bill is not passed in this Council it will have to pass through the newly constituted Assembly?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Yes, it will have to pass through the Assembly or the Sree Chithira State Council the names of which we have not yet familarised ourselves with.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So does not the member think that if this is left unsettled now it will lead to further hardships and complications?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I think so.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that in the interest of the kudiyans as a whole it is necessary that this Bill must be pushed through with as much haste as possible?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I do think so.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Were we not given notice that the third reading of this Bill will be conducted in this meeting itself?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So, I want Sir, this House, the life of which is going to expire unfortunately within a few days, to take the credit for itself that it has framed this most difficult piece of legislation. I want my colleagues here on this side of the House to appropriate to themselves the longstanding credit that they did something tangible for their country.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Are we responsible for the shirking of the duty of the Government?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Not at all. My point is that we want to see that the rate in consonance with the rates prevailing in the country for paddy should be ascertained and given to the jenmis. The Law Member also wants to see that the prevailing rates are correctly ascertained by a committee which will be appointed by Government and see that justice is done to both the jenmi and the kudiyans. So I emphatically support the amendment moved by the Law Member.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am sorry, I cannot agree to the amendment. To substantiate my statement I have to explain the history of the Bill from its very beginning which I do not propose to do now. Sir, as one of those who have been associated with the Bill from its very inception, I can more or less look down at this distant time what amount of sacrifice has been done by the kudiyans for the jenmies. The bare principle remains that not an atom of sacrifice was made by the jenmies to the kudiyans.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): For that matter, one of the jenmi members even died.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): This present clause came up for discussion several times before the House and for one reason or other it has been postponed to this last moment and now we are discussing the last clause. For my part I may say that if I had known before hand that this was going to be the result of the sacrifices the kudiyans had to make I would never have agreed to even a single provision in the bill which is disadvantageous to the kudiyans. Anyhow we have come to the last clause. But I cannot agree to this provision at all. I want to stand by myself. But that should not in any way influence the other members who want to support the amendment.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I want to make one or two observations with regard to the amendment proposed. It is not because that I am afraid that the Bill will not become law that I support this amendment. I do not think for that single reason I should support any amendment whatsoever because I maintain that this House has got a right to see that a Bill which it thinks necessary should become law. I do not take the view that the amendment proposed after all is particularly detrimental either to the tenants or to the jenmies. We are not going to do anything that will particularly do harm either to the tenants or to the jenmies. At present what obtains is that the niraku rates generally adopted by the Courts are dangerous to the kudiyans except in cases where paddy is cheaper to be paid. Here, no doubt, we are empowering Government to decide a question of a very important nature and the responsibility that the Government are undertaking is really very great. The amendment provides for rules being passed by Government which would guide them in determining the rates from time to time. No doubt it also contemplates the appointment of a committee to help the Government. But the committee, I am afraid, is not going to be of much material help to Government and they will have to depend more on the rules themselves than on the committee. We find that when we cannot agree as to the rates in a House where the jenmies are represented by three members and there are a large number of non-jenmies, I do not know how a committee is going to agree upon a matter like this which is composed of two representatives of jenmies and two others who represent the kudiyans and an official presiding. I do not know how the committee or committees will be able to come to unanimous conclusions on which the Government may act.

So what I would urge upon the Government at this time is to see that all care is taken in the framing of rules. They should be so framed

that final conclusions would be so arrived that it will be fair both from the view points of the jenmies as well as the kudiyans. The rules must be so framed as to see that the rates do not exceed the prices obtaining in the villages at the time the tenants could reasonably be expected to pay the paddy, that is at the time of the harvest. Government should always clearly bear this in mind when they frame the rules. The fact that market rate will be higher at the time of harvest than in the villages. If the rates that are to be fixed by this committee will be reasonable I do not see any objection to starting these committees. As I said, Government are taking a very great responsibility. They are holding responsible both to the jenmies as well as the kudiyans. Any mistake that the Government are likely to make, I do not think, will be open for correction even by the Courts of Law. They are being invested with powers of a very wide nature and the decisions that they arrive at will affect the major portions of the inhabitants of the State. I think when the legislature trusts Government with such extensive powers, powers of a very great nature in regard to this question, Government will fully realise the importance of the trust reposed on them and in framing the rules they will bear in mind all the aspects of the question. In that connection they will have to bear in mind the difficulties under which the tenants are labouring, and they should not put the jenmies also to avoidable losses. They will also have to constitute the committees with the greatest care for as has been remarked here there will be two members on the one side and two others on the other side and an official as the president. In choosing the president of the committee Government will have to bestow the greatest care that can be trusted with duties of this kind. He should be one of the best officers of Government who can understand all the aspects of the question, who is able to tell what is true from what is false, who will not be swayed by the monied jenmi or by the clamours of the masses and who will be able to exert the best in the matter. With these words I support the motion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): We wish to hear the Jenmi members also.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ലാമെമ്പർ ഇവിടെ പ്രസ്താവിച്ച കമ്മററിയിൽ രണ്ടു ജന്മിമെമ്പറും രണ്ടു കുടിയാൻ മെമ്പറും ഒരുദ്യോഗസ്ഥനും എന്നാണു നിശ്ചയിച്ചിരിക്കുന്നതു്. ഈ കമ്മററിക്കാർ ഏതു നിരക്കിനെ അടിസ്ഥാനപ്പെടുത്തിയാണു വില നിശ്ചയിക്കുന്നതെന്നു ഇവിടെ പറഞ്ഞു കാണുന്നില്ല. ഈകമ്മററിക്കാർ നിശ്ചയിക്കുന്നവില ജന്മിക്കരത്തിനു മാത്രമാണോ അതല്ല അന്യായമായും അക്രമമായും പ്രമാണികരം നിശ്ചയിക്കുന്ന വിലയെ അടിസ്ഥാനപ്പെടുത്തി മാത്രം ഗസററിൽ പരസ്യം ചെയ്യുന്ന നിരക്കിനു പകരമായി ഉപയോഗപ്പെടുത്തുമോ എന്നുള്ള സംഗതിയും അറിവാൻ സാധിക്കുന്നി :.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഇപ്പോഠം രണ്ടാമതു പറഞ്ഞതു് ഉണ്ടാകുകയില്ലെന്നു പറഞ്ഞുകഴിഞ്ഞില്ലേ? ഗസ

ററിൽ പ്രസിദ്ധപ്പെടുത്തുന്ന നിരക്കായിരിക്കുകയില്ല കമ്മററിക്കാർ നിശ്ചയിക്കുന്ന നിരക്ക്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അക്രമമായിട്ടുള്ള വില മേലാൽ പ്രസിദ്ധംചെയ്യേണ്ട ആവശ്യമില്ല. അതിനെ നിൎത്തൽ ചെയ്യുവാനുള്ള മാറ്റങ്ങളൊന്നും ഇതിൽ കാണുന്നില്ല.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): ജന്മികുടിയാൻ ബില്ലിനെപ്പററി ആലോചിക്കുന്ന ഈ അവസരത്തിൽ അതിനെപററി പറയേണ്ട ആവശ്യമുണ്ടോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കമ്പോളത്തിലെ നിരക്കു വളരെ അനീതിയായിട്ടാണിരിക്കുന്നത്. ജന്മിക്കു നെല്ലു മേടിക്കേണ്ടതു കമ്പോളത്തിൽനിന്നുമാണ്. ആ വിലയാണു ജന്മി കൊടുക്കേണ്ടതു്. അതുകൊണ്ടാണു ഞാൻ അതിനെപ്പററി പ്രത്യേകമായി പറയുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sairkar Vakil*): വാസ്തവ വിലയല്ല കമ്പോളനിരക്കായി ഗസററിൽ പരസ്യം ചെയ്യുന്നതു എന്നാണോ പറയുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ. ലാമെമ്പർ ഇവിടെ ൧൦ കൊല്ലത്തിനു മുമ്പുള്ള ഒരുതീൎപ്പിനെപ്പററിയാണു പറഞ്ഞിട്ടുള്ളതു്. സാധാരണ നാട്ടു നടപ്പിലുള്ള വിലയേക്കാൾ കൂടുതലായിട്ടാണു കച്ചവടക്കാർ നിരക്കു നിശ്ചയിക്കുന്നതു്. അതിനാൽ അതിനെ നിൎത്തൽ ചെയ്യേണ്ടതാണ്. ഇന്നത്തെ നിലക്കു അക്രമമായ ഒരു രീതിയെ നിൎത്തൽ ചെയ്യുവാൻ ഗവണ്മെൻറിനു ശക്തിയില്ലാതെയാണിരിക്കുന്നതു്. അതു വളരെകഷ്ടമാണ്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): എന്റെ അറിവിൽപെട്ടിടത്തോളം കച്ചവടക്കാർ കൂടുതൽ വില നിശ്ചയിച്ചിരിക്കുന്നു എങ്കിൽ ആവിലയെ നിൎത്തൽ ചെയ്യുവാൻ നിയമം ഇല്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെ ഒരു നിയമം ഉണ്ടാക്കുവാൻ സാധിക്കുകയില്ല എന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇപ്പോൾ അതിനു നിയമമില്ലെന്നാണു പറഞ്ഞതു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അക്രമങ്ങളെ പരിഹരിക്കുവാൻ ഈ കമ്മററി മതിയാകാതെയാണു വരുന്നതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അങ്ങനെ ഒരു നിയമം ഉണ്ടാക്കണമെന്നു ജന്മിമെമ്പർക്ക് ഒരു പ്രമേയം കൊണ്ടുവരാമല്ലൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങനെ ഒരു നിയമം വേണമെന്നു ഗവണ്മെന്റാണു പ്രമേയം കൊണ്ടുവരേണ്ടതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അക്രമങ്ങളെ പരിഹരിക്കേണ്ടതു് അനുദ്യോഗസ്ഥന്മാരുടേയും കർത്തവ്യമല്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): കമ്പോള നിരക്കിനെപ്പററി കച്ചവടക്കാർക്കു് ഒപ്പിട്ടു കൊടുക്കണമെന്നു വ്യവസ്ഥയില്ല.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അങ്ങിനെ ഒപ്പിടാത്ത നിരക്കിനെ ഗവണ്മെന്റു് എന്തിനു സ്വീകരിക്കുന്നു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെയുള്ള നിരക്കു് ഇടരുതു് എന്നു് ഏർപ്പാടു ചെയ്താൽ മതിയോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കമ്മററി റക്കമെന്റു ചെയ്യുന്ന നിരക്കിനു ഗസററിലും പരസ്യം ചെയ്യണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ആ നിരക്കു റേററിനെ ഗസററിൽ പരസ്യം ചെയ്യണമെന്നു വ്യവസ്ഥ ചെയ്താൽ അതു തൃപ്തികരമാണോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): കമ്മററിക്കാരുടെ അഭിപ്രായത്തെ നിരക്കുവില ആക്കുന്നു എങ്കിൽ അതിനെ സ്വീകരിക്കാവുന്നതാണു്, അതിനാൽ കമ്മററിക്കാർ സ്വീകരിക്കുന്ന നിരക്കുവിലയെ ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തണം. എന്നാൽ അനീതി ആണെന്നു നിരക്കുവിലയെ ഗവണ്മെന്റു സ്വീകരിക്കാതിരിക്കുകയും വേണം.

MR. C. P. BHATTATIRI (*Co-opted*): മററു എല്ലാ സാധനങ്ങൾക്കും ഉള്ള വില ഈ കമ്മററിക്കാരുടെ നിരക്കുവിലയായി സ്വീകരിക്കരുതോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): എല്ലാ സാധനങ്ങൾക്കും അപ്രകാരമുള്ള നിരക്കുവില സ്വീകരിക്കാവുന്നതാണു്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): മെമ്പർ ഈ ഭേദഗതിയെ അനുകൂലിക്കുന്നോ പ്രതികൂലിക്കുന്നോ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞാൻ ഇതിനെ എതിർക്കുന്നു. ഈ നിരക്കുവിലയെപ്പററി ആദ്യം പ്രതിപാദിച്ചപ്പോൾ അതിന്റെ വിഷമങ്ങളെപ്പററി സൂചിപ്പിച്ചിട്ടുണ്ടായിരുന്നു. സാധനങ്ങൾക്കുള്ള നിരക്കുവില ആധാരത്തിൽ നിശ്ചയിച്ചിട്ടുള്ള വിലയുമായി താരതമ്യപ്പെടുത്തി നോക്കിയാൽ നിരക്കുവില വളരെ കുറവാണെന്നു കാണാവുന്നതാണു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): നിരക്കുവില എല്ലാം കമ്മററിറേററ എന്നാണൊ അഭിപ്രായപ്പെടുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ആധാരത്തിലെ നിശ്ചയ പ്രകാരമുള്ള വിലയാണു ഞാൻ പറഞ്ഞതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതില്ലെങ്കിൽ നാട്ടുനടപ്പനുസരിച്ചുള്ള വില എന്നല്ലെ വരുന്നതു്?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതു് വളരെ കുറവായിട്ടാണു് കാണുന്നതു്. അതു് വളരെനഷ്ടമാണു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതിനെപ്പററി വിഷമങ്ങൾ ഉണ്ടെങ്കിൽ കോടതിമുഖേന പരിഹരിക്കുന്നതാണു്.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഏതായാലും കമ്മററിയെ വിശ്വസിക്കേണ്ടതായിട്ടാണു വന്നിരിക്കുന്നതു്.

MR. P. S. MAHOMED (*Nominated*): ജന്മിമാരുടെ കാര്യം പറയുന്നതിനു കമ്മററിയിൽ രണ്ടു മെമ്പേഴ്സ് ഇല്ലേ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*): ഉണ്ടു്. ഇങ്ങനെ റൂൾസ് ഉണ്ടാക്കുന്നതിനെപ്പററി ഇവിടെ അഭിപ്രായവ്യത്യാസം ഉണ്ടായിട്ടുണ്ടു്. ജന്മിമെമ്പർ അല്ലാത്തവരും അഭിപ്രായവ്യത്യാസം പറഞ്ഞിട്ടുണ്ടു്. റൌണ്ടു ടേബിൾ കാൺഫറൻസ് രൂപീകരിച്ച അവസരത്തിലും അങ്ങനെ ആയിരുന്നു.

MR. P. S. MAHOMED (*Nominated*): റൂൾസ് ഉണ്ടാക്കുന്നതു ഗവണ്മെൻറല്ലെ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ.

MR. P. S. MAHOMED (*Nominated*): ആ സ്ഥിതിക്കു ഗവണ്മെൻറു മനഃപൂർവ്വം ദ്രോഹിക്കുമെന്നു വിചാരിക്കുന്നുണ്ടൊ?

MR. C. N. TUPPAN NUMPUTIRIPAD (*Jenmies*): ഗവണ്മെൻറു് അങ്ങനെ ചെയ്യുമെന്നു വിചാരിക്കുന്നില്ല. എങ്കിലും റൂൾ എഴുതിവരുമ്പോൾ ചില ദോഷങ്ങൾ അതിൽ കാണും. ഇതുവരെ കണ്ടുവരുന്ന അനുഭവം കൊണ്ടാണു ഞാൻ ഇങ്ങിനെ അഭിപ്രായപ്പെടുന്നതു്. അതിനാൽ കമ്മററിയെപ്പററിയുള്ള യാതൊരു വിവരവും അറിയാതെ അവരുടെ അഭിപ്രായത്തെ സ്വീകരിക്കുക എന്നുള്ളതിനെ അനുകൂലിക്കുവാൻ തൽക്കാലം നിവൃത്തിയില്ല.

MR. P. S. MAHOMED (*Nominated*): സർ, ലാർമെമ്പർ അവതരിപ്പിച്ചിട്ടുള്ള പ്രമേയത്തെ ഞാൻ ശക്തിയായി അനുകൂലിക്കുന്നു. അത

[Mr. P. S. Mahomed.]

ങ്ങനെ അനുകൂലിക്കാനുള്ള കാരണം ഈ സന്ദർഭത്തിൽ ഇതിനേക്കാൾ ഏററവും ഉത്തമമായരീതിയിൽ ഒരു അമെൻറുമെൻറ കൊണ്ടുവരാൻ നിവൃത്തിയില്ലാ എന്നുള്ളതുതന്നെയാണ്. ജന്മിമാർ ൫൪ ചക്രം ഒരൊണ്ടത്തേക്കുപോലും ററെറ സ്വീകരിക്കുകയില്ലെന്നു പറഞ്ഞു കഴിഞ്ഞു. എൻെറസ്നേഹിതൻ മി: കെ. പി. നീലകണ്ഠപ്പിള്ള അവതരിപ്പിച്ച അമെൻറുമെൻറ് ൫൬ ചക്രം സ്വീകരിക്കണമെങ്കിൽതന്നെ അതു സ്ഥിരമായി നിലനില്ക്കത്തക്കവിധത്തിൽ റഗുലേഷനിൽ ഉൾപ്പെടുത്തണമെന്നാണ്. ഈ രണ്ടു നിലയേയും നോക്കുന്നപക്ഷം ഇവരെ തങ്ങളിൽയോജിപ്പിക്കാൻഇങ്ങനെ ഒരമെൻറുമെൻറിനല്ലാതെ സാധിക്കുകയില്ല. ൫൬ ചക്രത്തെസംബന്ധിച്ച റഗുലേഷനിൽസ്ഥാനംകൊടുക്കാം എന്നുവച്ചാൽഅത് കുടിയാൻ പ്രതിനിധികൾക്കു സന്തോഷപ്രദമാണെന്നുപറയാൻ നിവൃത്തിയില്ല. എൻെറ സ്നേഹിതൻ അമെൻറുമെൻറ കൊണ്ടുവന്നപ്പോൾതന്നെ നെല്ലിനു ൫൫ ചക്രമേ വിലയുള്ളുഎന്നും രണ്ടുചക്രംകൂടി കൂട്ടതലാക്കിയാണ് അമെൻറുമെൻറ കൊണ്ടുവന്നിട്ടുള്ളതെന്നും പറയുകയുണ്ടായി. അങ്ങനെചെയ്തതു് ജന്മിമാരുമായി സ്നേഹമായി വർത്തിക്കണമെന്നുള്ള ഉദ്ദേശ്യമുള്ളതുകൊണ്ടാണ്. എന്നാൽ തിരുവിതാംകൂറിനു വെളിയിലുള്ള സ്ഥലങ്ങളിലെ നെല്ലുവില കൂട്ടമെന്നുവിചാരിക്കാൻ തരമില്ല. തിരുവിതാംകൂറിൽ നെല്ലും, അരിയും, എവിടെനിന്നു വരുന്നുവോ അവിടെ നെല്ലും അരിയും വർദ്ധിച്ചു വരുന്നുഎന്ന് കാണുന്നതിനാൽ ഇവിടെ നെല്ലുവിലകൂടാൻ തരമില്ല എന്ന് നിശ്ചയിക്കാവുന്നതാണ്. ഈ കൌൺസിലിൽ പലമെമ്പ്രന്മാരും സംസാരിച്ചപ്പോൾ കുടിയാൻ പ്രധിനിധികൾ വല്ലവരും ഉണ്ടോ എന്നു ചോദിച്ചതിൽ "ഇല്ല" എന്നുള്ള ഉത്തരമാണ് കിട്ടിയതു്. ഈ ബില്ലുതന്നെ സെലക്ററുകമ്മിററിക്ക് അയച്ചു തെളിവെടുക്കാൻപോയ അവസരത്തിൽ കമ്മ്യൂട്ടേഷൻ റേററിനെസംബന്ധിച്ചു കുടിയാനോടു യാതൊന്നും ചോദിക്കാത്തസ്ഥിതിക്കു ഇങ്ങനെ ഒരു ക്ലിപ്തസംഖ്യ ഒരു വലിയകാലത്തേക്കു നിശ്ചയിക്കുന്നതു് ഒരിക്കലും ഉചിതമല്ല. ഈഅവസരത്തിൽ ഇങ്ങനെ ഒരമെൻറുമെൻറ വന്നതുതന്നെ ഈ കൌൺസിലിനെ രക്ഷിക്കാനാണെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ എൻെറ പ്രസംഗത്തെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. E. V. KRISHNA PILLAI (*Kottārakara cum Kunnattur*): ജന്മിമെമ്പറിൻെറ എതിർപ്പിനെപ്പററി എന്തുപറയുന്നു?

MR. P. S. MAHOMED (*Nominated*): അതിനെപ്പററി ഞാൻ ഒന്നുംതന്നെ പറയുന്നില്ല.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Sir, I cannot find my way to support the amendment moved by the learned Law Member. At the informal conference that was held a few minutes before, it was clearly shown that the sense of the House was for accepting the rate brought forward by the amendment proposed by Mr. K. P. Nilakanta Pillai. It was at the refusal of the jenmi members to accede to that proposal that the Law Member thought that this amendment should be brought before the House. Now also, we find that the jenmi members are not agreeable to the proposal brought forward by him. In that case we have to go by the majority vote of this House. We could have arrived at a decision by taking the majority vote on the original amendment moved by Mr. Nilakanta Pillai. That being the case, I do not know why this amendment should be voted upon. This amendment also is equally objectionable to the jenmi members. To conciliate the jenmi members therefore this amendment is absolutely useless.

In this connection, I have to make one remark about the attitude the Government have been taking with regard to this question.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Does the member oppose the amendment on the ground that it does not conciliate the jenmi members.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : No, I oppose it on a different principle. The attitude of the Government has been always conciliatory to the jenmi side and very obstinate in taking the view of the kudiyan into consideration. This House has an elected jenmi member. Yet the Government find it necessary to co-opt two others also to discuss this Bill. On the other hand, this House does not contain even a single representative of the kudiyans or the worker and the peasant. All the other members in this House are taken to be the representatives of the workers and the peasants and their cause is left unrepresented here. If the whole House is taken to be the representatives of the kudiyans or the workers and the peasants it is unjust on the part of the Government to submit this Bill which affects the kudiyan very much, to the decision of this House, which, even though it is taken to contain the representatives of the kudiyans by the Government, is not entitled to consider this Bill and pass it into Law.

PRESIDENT : Will you please confine yourself to the amendment Mr. Gopalakrishna Pillai ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : I am speaking on the amendment and I have to put forth certain reasons to show why the present amendment should not be voted upon.

PRESIDENT : You are out of order.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) :.. The member wants the whole Bill to be taken out of the purview of the Council.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : That is not my submission. The member would do well to hear me. I am placing before the House the fact that the Government have been taking for granted that this House contains representatives of the kudiyans.

PRESIDENT: Will you please do as I asked you and speak on the amendment?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If I am not allowed to speak then I need not speak. I have to speak to make my point clear.

PRESIDENT: Will you speak to what is in order?

MR. K. GOPALAKRISHNA PILLAI (*Paru*): I would like to mention.—

PRESIDENT: Will you please sit down, Mr. Gopalakrishna Pillai?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): I am inclined to make a few observations before the House. I was at one with the movers of the earlier amendments in having a fixed rate because I was convinced that it could be more expedient in the working of the Bill and putting an end to further confusion. But on thinking deeper about the provisions and of the amendment just before the House, as a matter of expediency and in the larger interests of humanity I would rather see that the Bill be passed than oppose the amendment and see it shipwrecked. On this point and on this alone I support the amendment before the House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think, Sir that the amendment has had sufficient debate in this House. I have only to state one word more now on that. Let me state that this amendment was not brought by me with a view to get the consent of the jenmis or the kudiyans or of any other persons. Government have taken full responsibility for this amendment and Government feel that this is the most just course to be adopted in the circumstances.

PRESIDENT: There are four amendments before the House. I shall put the last amendment which has been moved by the Law Member. Anybody who wishes to support the other amendments will vote against this.

The amendment moved by the Law Member is to the effect that a Committee is to be appointed to settle this question of commutation and to advise Government.

The amendment was put to the vote of the House and declared carried, 32 voting for and 10 against; and the other amendments fell through.

The question that the proposed Section 46 as amended do form part of the Bill was put and Section 46 as amended was added to the Bill.

MR. A. NARAYANA PILLI (*Vaikam*): I wanted to move my amendment to add a proviso to Section 46. That has not been taken up.

PSESIDENT: I thought you did not want to move it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That automatically lapses.

PRESIDENT: Mr. Narayana Pillai, you have an amendment to Section 47, that is amendment No. 60.

MR. A. NARAYANA PILLAI (*Vaikam*): I do not move that.

The following amendments were not moved:

MR. A. NARAYANA PILLAI:

Section 47. Delete.

MR. K. P. NILAKANTA PILLAI:
Section 47, sub-section (1), line 3:
"Substitute the word "three" for the word "six".

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I beg to move the following amendment:

In proposed Section 47, sub-section (1) lines 2 & 3:
Omit the words "or penalty" before the word "due".

I move this amendment on the simple ground that the word "penalty" does not appear in any of the previous clauses of the Bill. It was by sheer oversight that in the prior bill this word was retained. It is not necessary. Therefore I submit the amendment before the House.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I accept it.

MR. N. RAMAN NAMPUTIRIPAD (*Co-opted*): I do not object to the amendment.

The amendment was carried.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): Amendment No. 63. സർ,—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ അമൻറുമെൻറ് അവതരിപ്പിക്കാൻ തുടങ്ങുകയാണൊ?

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അതെ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ൪൭-ാം വകുപ്പിനെ ഭേദപ്പെടുത്താനാണ ഈ അമൻറുമെൻറ്. എന്നാൽ ഈ അമൻറുമെൻറിനും ൪൭-ാംവകുപ്പിനും തമ്മിൽ യാതൊരു ബന്ധവുമില്ല. അതുകൊണ്ട് ഇതിനെ ഒരു പുതിയ ക്ലാസ്സായി ചേൎക്കുന്നതിലേക്കുവേണ്ടി അവതരിപ്പിക്കണം.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): എന്നാൽ ൪൮ ആയി ചേൎക്കാമല്ലൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, this amendment purports to be an amendment to clause 47. There is no connection between this amendment and clause 47. They are two entirely different things. Mr. Tuppan Namputiripad may move his amendment as that a new clause be added to the Bill.

PRESIDENT: Does he object to the retention of clause 47?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He does not object to it.

PRESIDENT: I put it to the House that the proposed Section 47 as amended, do form part of the Bill.

I take it that is passed.

Section 47 as amended was added to the Bill.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): Amendment No. 63. താഴെ പറയുന്നതു് ഒരു പുത്തൻ വകുപ്പായി ചേർക്കണമെന്നുള്ള ഒരു ഭേദഗതി ഞാൻ ഇവിടെ അവതരിപ്പിച്ചുകൊള്ളുന്നു. അതായതു് ഈ ഭേദഗതിറഗുലേഷൻ അനുസരിച്ചു ഏതെങ്കിലും വസ്തുവിന്റെ ജന്മിക്കരം ഗവണ്മെന്റു പിരിക്കാൻ തുടങ്ങുന്നതുവരെയും, ഗവണ്മെന്റു ജന്മിക്കരം പിരിവു് ഉപേക്ഷിക്കുന്ന അവസരത്തിലും, എഴുപത്തിഒന്നിലേ അഞ്ചാം റഗുലേഷൻ നടപ്പിൽ ഇരിക്കുന്നതാകുന്നു. ഇതുകൊണ്ടു ജന്മിമാർ വീണ്ടും എഴുപത്തിഒന്നിലേ അഞ്ചാംറഗുലേഷനേ പിടിക്കുകയാണെന്നു തോന്നിയേക്കാം. ജന്മിക്കു് ഇന്നത്തേ നിലയേക്കാൾ കൂടുതൽ സുഖകരമായ ഒരു സ്ഥാനം ഉണ്ടാക്കി കൊടുത്തിട്ടു് അവിടെ പോകണമെന്നു ഈ സഭ പറയുന്നുണ്ടു്. അതനുസരിച്ചു് ആ സുഖകരമായ സ്ഥാനത്തേക്കു ഞങ്ങൾ പോകയും ആദ്യത്തേ സ്ഥാനത്തെ നിശ്ശേഷം തട്ടിനിരത്തുകയും ചെയ്യും. രണ്ടുമാസം കഴിഞ്ഞു നിങ്ങൾ ഈ സ്ഥാനത്തുനിന്നും തിരിയെ പോയിക്കൊള്ളണം എന്നു പറഞ്ഞാൽ ഞങ്ങൾക്കു വന്നു നില്ക്കാനുള്ള ഒരു കള്ളി ഏതാണു്. അതിലേക്കു തടസ്സം വരാതെന്നുള്ള ഉദ്ദേശത്താലാണു് ഈ ക്ലാസ്സു ഞാൻ ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്.

MR. A. S. DAMODARN ASAN (*Mavelikara* cum *Kartikapalli*): I rise to a point of order. In clause (1) (b) we have passed to the effect that this Regulation shall come into effect at once. Now my friend wants to move a new Section which will be contrary to the provisions under Section (1) (b). By this, I submit, that Mr. Tuppan Namputiripad wants to postpone the coming into force of this regulation to an indefinite date.

PRESIDENT: It is that which I am considering You are correct, Mr. Asan. I rule the motion of Mr. Tuppan Namputiri out of order.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): Amendment No. 64 ജന്മിസംബന്ധമായ യാതൊരു അമന്റുമെന്റും ഈ കൗൺസിലിൽ അവതരിപ്പിക്കണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. കാരണം...

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to a point of order. Mr. Namputiri is saying something which is not relevent to the motion that he wants to make. He must either move the amendment or say that he does not move.

PRESIDENT: You may move the amendment.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ഞാൻ അവതരിപ്പിക്കുന്നില്ല.

The question that Clause XXII do stand part of the Bill was then put and carried.

PRESIDENT : I put it to the House that the preamble do stand part of the Bill.

The motion was passed and the preamble added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now beg to move that the Bill as settled by the Council, be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT : I take it that the House agrees to it.

MR. E. V. KRISHNA PILLAI (*Kottarakara eum Kunnattur*) : Though out of place I congratulate the Law Member.

PRESIDENT : We will now adjorn to meet again tomorrow.

The Council adjourned at 4-50 P. M. to meet again the next day.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

SECOND SESSION OF 1108.

(*OFFICIAL REPORT.*)

Saturday, the 17th December, 1932/3rd Dhanu, 1108.

The Council met in the Victoria Jubilee Town Hall, at Eleven thirty of the Clock, the President presiding.

QUESTIONS AND ANSWERS.

Supply of electrical energy at concessional rates.

70. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram* cum *Shencotta*): Will the Government be pleased to state:

(*a*) whether they have received any applications from individuals or companies for the supply of electrical energy in bulk in Trivandrum, at concessional rates, for running a mill or mills;

(*b*) whether they have granted any such application;

(*c*) whether the applicants have bound themselves to any condition as to the minimum consumption of energy; and

(*d*) whether they have fixed the rate per unit and, if so, what?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(*a*) Yes.

(*b*) No.

(*c*) No, but it is understood that they will be willing to do so.

(*d*) No, the rate to be fixed is under consideration.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): With reference to part (*b*), am I to understand that no concessional rates have yet been offered to anybody by the Government?

MR. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): Concession rates have been allowed to one mill-owner at Taikad and there is also another application pending.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it a general concession or restricted only to that particular individual?

MR. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): At present the concessional rate is allowed to him only.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): With regard to the future applications, are they to be granted on the basis of any principle?

G. P. T. 1698. 300.

MR. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*): Each case will be decided on its merits, but of course it will follow a principle.

Results of the V. S. L. C. Examination in 1106 and 1107 in the Kottaram school.

71. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state;

(*a*) the number of pupils that appeared for the V. S. L. C. Examination from the Kottaram school in 1106 and 1107; and

(*b*) the number that passed.

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) 10 and 12 respectively.

(*b*) 6 and none respectively.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): With reference to the answer to part (*b*), are the Government aware that the results in 1107 were nil because 50 per cent of the teachers are qualified only in Malayalam and not in Tamil?

MR. K. GEORGE (*Chief Secretary to Government*): Government are not aware of that fact. Government have inquired of the Director of Public Instruction to report what circumstance led to this abnormal failure.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Government are aware that there is a teacher who is neither qualified in Tamil nor qualified in Malayalam?

MR. K. GEORGE (*Chief Secretary to Government*): No.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether there is a G. O. that only people qualified inTamil can be teachers in Tamil in schools in Tovala and Agastiswaram?

MR. K. GEORGE (*Chief Secretary to Government*): I claim notice.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know what the Government mean when they say that they claim notice?

MR. K. GEORGE (*Chief Secretary to Government*): Information is not available. It has to be found out whether there is such a G. O.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*); May I know whether the Assistant Inspector of Vernacular Schools, Mr. Gopala Rao, reported that the retention of the Malayalam teacher in the school is ruinous to the Tamil students in the school?

MR. K. GEORGE (*Chief Secretary to Government*): I claim notice.

Assessment on paddy lands in Tovala and Agastisvaram.

72. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): With reference to the answer to Question No. 436 (145), given at the meeting of the Council held on the 12th August 1932, are the Government aware that, by cultivating paddy lands subject to the maximum assessment of Rs. 35-19-0 per acre in the taluks of Tovala and Agastisvaram, the cultivators get only minus profits?

MR. A. KUMARA PILLAI (*Secretary to Government*): Government have no information.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): The answer is that Government have no information. May I know whether there were petitions to revise the land tax in Nanjanad in view of the fact that foreign paddy is allowed into Travancore and the prices are ruinous to our agriculturists?

MR. A. KUMARA PILLAI (*Secretary to Government*): No petition was received by Government.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): The day before yesterday Government have said that there were petitions like that.

MR. A. KUMARA PILLAI (*Secretary to Government*): Is it about the reduction of tax?

MR, K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Yes.

Mr. A. KUMARA PILLAI (*Secretary to Government*): About the *kottah* measurement there was some petition and it was engaging the attention of Government.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are Government aware that 70 per cent of the Nanjanad cultivators have given up paddy cultivation in lands subject to the assessment of 25 per cent and more?

MR. A. KUMARA PILLAI (*Secretary to Govennment*): No. The information of Government is just the contrary.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that the Economic Depression Enquiry Committee have stated that the present cultivators of paddy in Nanjanad complain that the price of paddy is ruinous to them and that the assessment also is very high and therefore the continuance of the present state of affairs will ultimately drive them to abandon their fields?

MR. A KUMARA PILLAI (*Secretary to Government*): Yes.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Then, may I know the action taken by Government thereon?

MR. A. KUMARA PILLAI (*Secretary to Government*): Government are making enquiries about it.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know if the Banking Enquiry Committee, in volume I of their report, have stated that the Nanjanad paddy cultivators derive only minus profits?

MR. A. KUMARA PILLAI (*Secretary to Government*): I do not know that. I have not come across such a passage in the Report.

Major operations conducted in the Nagercoil District Hospital.

73. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) the number of major operations conducted in the District Hospital, Nagercoil, in 1106, 1107 and the first quarter of 1108; and

(*b*) how many cases were successful, and the percentage of success?

MR. A. KUMARA PILLAI (*Secretary to Government*):

	1106	1107	First quarter of 1108
(*a*)	111	85	22
(*b*)	109	84	21
	98·20 per cent.	98·82 per cent.	95·45 per cent.

Operations in the General Hospital, Trivandrum.

74. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*): With reference to the General Hospital, will the Government be pleased to state:

(*a*) the number of deaths that have occurred to patients in the course of or soon after operations conducted in the hospital in each of the years 1106, 1107 and 1108 up-to-date (11-4-1108);

(*b*) the diseases for which operations were made in each such case, together with the names of the patients and the doctor or doctors who did the operation;

(*c*) whether there were complaints regard ing the negligent way in which such operations were carried out;

(*d*) if so, whether the Government have made any enquiry and, if so, what; and

(*e*) whether the Government have deemed it necessary to make arrangements for more efficient administration of the General Hospital?

MR. A. KUMARA PILLAI (*Secretary to Government*):

	1106	1107	1108 (up to 11-4-1108).
(*a*)	2	4	1
(*b*)	(1) Strangulated Inguinal Hernia. Krishnan Potti; Dr. A. M. Jacob	(1) Perforated Pyloric Ulcer. Kesavan; Dr. A. E. John.	Penetrating wound Abdomen Madhavan Pillai; Dr. A. E. John.
	(2) Penetrating wound abdomen. Sahadevan; Dr. A. O. Jacob.	(2) Penetrating wound abdomen. Narayanan Padmanabhan; Dr. A. E. John.	
		(3) Perforated Duodenal Ulcer. Narayana Pillai; Dr. A. E. John.	
		(4) Strangulated Hernia. Misayanti; Dr. A. E. John.	

(*c*) Government have received no complaints.

(*d*) In view of the answer to part (*c*), this does not arise.

(*e*) Yes; necessary action is being taken.

List of surveyors in the Survey Office.

75. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to lay on the table :

(*a*) a list of permanent, acting and temporary computor-draftsmen in the Survey Office on 1-4-1108, with their total period of practical field service as surveyors ;

(*b*) a list of new hands appointed as surveyors while these men were available, with the dates of their appointment ; and

(*c*) a list of those who have been disbanded in Karkatakam 1107 from the Survey Office, with their periods of service as surveyors ?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) (*b*) & (*c*) Lists* furnishing the required information are laid on the table.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : In appendix I B, it is stated that though two of the persons have acted, there is nothing to ascertain the period of their acting service. May I know how the department know that they have acted ? What is the record which shows that they have acted ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : There is a draft of the pay bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*). In the case of acting hands is there no record in the office to show the duration of their acting service ?

MR. A. KUMARA PILLAI (*Secretary to Government*): There is the office order that is all. There is no service book.

MR A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) What I wish to know is whether in the case of acting hands there is nothing to show the duration of acting service.

MR. A. KUMARA PILLAI (*Secretary to Government*): There are the pay bills and the office orders.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): From these could the duration of acting service be ascertained ?

MR. A. KUMARA PILLAI (*Secretary to Government*): It can be done only with difficulty and labour.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it very difficult to ascertain that ?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Then may I know how the department gives preference to persons who have longer acting service when vacancies are filled ?

MR. A. KUMARA PILLAI (*Secretary to Government*): There will be a list of acting men in the office and a list of disbanded men.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In that list will not the period of acting service also be given ?

**Vide* Appendices I, IA and IB. pages i and ii.

MR. A. KUMARA PILLAI (*Secretary to Government*) : It will mention only the date of first appointment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : The duration will not be given there ?

MR. A. KUMARA PILLAI (*Secretary to Government*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : So, what should be done if the duration has to be ascertained ?

MR. A. KUMARA PILLAI (*Secretary to Government*) The records have to be looked into.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will it take much time and cause much difficulty ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know whether the officer thought that it was not worth while to ascertain that to answer the present question ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : Within the short time available for Government to collect the necessary particulars to answer the interpellation, it was not easy to ascertain all these details.

MR. A. S DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : It is stated that the two persons Nos. (2) and (6) in appendix I B had acting service as Surveyors and that they were disbanded at the end of Karkatakam 1107. May I know why they were not appointed after that date ?

MR. A. KUMARA PILLAI (*Secretary to Government*): About Nos. (2) and (6) they have not complained to the Land Revenue Commissioner nor does the Land Revenue Commissioner know anything about them.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Complaint could be made only after the making of the appointments.

MR. A. KUMARA PILLAI (*Secretary to Government*) : It should be known whether they want appointments or even whether they are alive, before making any appointment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When there are disbanded acting men, will they not be informed that there are vacancies and that they will be provided for ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : If their whereabouts are known they will be informed.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : So, their addresses are not known to the office ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : They are not in the Land Revenue Commissioner's Office.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it the Land Revenue Commissioner that makes the appointment ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : The Survey Superintendent.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Had he their addresses in his office ?

MR. A. KUMARA PILLAI (*Secretary to Government*): No, I think.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartika a'li*): The member is not sure?

MR. A. KUMARA PILLAI (*Secretary to Government*): No.

Rule re seniority of acting hands in Government service.

76. **MR. K. PADMANABHA PANIKKAR** (*Ambalapuzha*): Will the Government be pleased to state:

(*a*) whether it is a rule that, in the matter of appointment, the date of first entertainment should be considered for determining seniority;

(*b*) if so, whether the Dewan Peishkar, Quilon, acted in contravention of this rule during the months of Edavam and Karkatakam 1107;

(*c*) if he has not strictly observed the rule, how many times he violated it; and

(*d*) the names of the persons who have enjoyed the privileges of this special treatment?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) Yes. Two junior acting men were appointed in short vacancies without prejudice to the claims of others on the recommendation of Tahsildars to avoid dislocation of work.

(*c*) Twice.

(*d*) K. H. Krishna Aiyar and A. Atchutha Variyar.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*) With reference to answer to part (*b*) of the question, may I know whether the junior men who were appointed were fresh recruits, that is, those who had no previous experience?

MR. A. KUMARA PILLAI (*Secretary to Government*): No, they had acting appointments before. But the only thing is that there were seniors above them who had no appointment at that time. Men with more service were not appointed and so the Land Revenue Commissioner says that two junior acting men were appointed for short vacancies without prejudice to the claims of others.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Is it because seniors were not available?

MR. A. KUMARA PILLAI (*Secretary to Government*): They were not available immediately.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Why?

MR. A. KUMARA PILLAI (*Secretary to Government*): They did not come and apply.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Should they wait?

MR. A. KUMARA PILLAI (*Secretary to Government*): The work being urgent and to avoid dislocation of the work, the Tahsildar appointed in anticipation of sanction and the Peishkar had simply to approve of the action of the Tahsildar.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): May I know whether the Tahsildar acted irregularly?

MR. A. KUMARA PILLAI (*Secretary to Government*): The answer is given there.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): May I know whether such a violation of this rule is permissible?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is not quite a violation of the rule. In the exigencies of Government service such things occur.

Rule re eligibility of candidates sitting for music examinations.

77. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) whether there is a rule that candidates applying for the Music Examination, Higher or Lower, should have passed the Sixth Class examination, if they are not in permanent posts in recogn ised institutions;

(*b*) the date on which this rule was brought into force;

(*c*) whether any exemption from the above rule is granted to those candidates who have passed the Lower Examination before the enactment of the above rule and who wish to sit for the Higher Examination; and

(*d*) if the answer to part (*c*) is in the negative, whether the inequity of not granting such exemption has been brought to their notice?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The answer is in the affirmative.

(*b*) 30-6-1924.

(*c*) Ordinarily no exemption from the rule is granted. But in 1930 one N. Madhavi Amma, was granted exemption as a special case.

(*d*) Yes. The Director of Public Instruction has recommended that candidates who entered the course when there was no rule *re* general educational qualifications for appearance for the Music Examination and who passed the Lower Grade Examination, may be permitted to complete the course as a special case, by allowing them to appear for the Higher Grade Examination. The question of granting such general exemption is being considered by the Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): With reference to part (*d*) it is stated that the Director has made a recommendation that certain candidates may be exempted from the rule. May I know when the recommendation was made?

MR. K. GEORGE (*Chief Secretary to Government*); This month.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the Government are aware that the delay in disposing of the matter will cause the waste of one year to persons who want to join?

MR. K. GEORGE (*Chief Secretary to Government*): I do not know the date of the examination, but the matter will be taken up at once.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Anyhow, will the Government see that further delay in passing the orders will not be prejudicial to the candidates ?

MR. K. GEORGE (*Chief Secretary to Government*): That is what I say. Orders will be passed as soon as possible.

Primary school for girls, Cheruvalloor.

78. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state :

(*a*) whether the primary school for girls in Cheruvalloor *muri*, Cherianad pakuthi, Tiruvalla taluk, was discontinued by the department some years back ;

(*b*) whether the site, the building and the furniture for the above school were given over to the Government by its owners by a document registered on 5-11-1088 for the purpose of conducting the school;

(*c*) whether the Government have received any representation from the donors or their representatives that, in view of the discontinuance of the girls' school, the site, the building and the furniture should be restored to them ; and

(*d*) if the answer to part (*c*) is in the affirmative, the action taken on the same ?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The primary school for girls in Cheruvalloor was amalgamated with the the primary school for boys at the place as per G. O. R. Dis. No. 324 of 1924-Leg/E, dated the 30th March 1924 published in the Gazette.

(*b*) Yes.

(*c*) Yes.

(*d*) The matter is receiving attention.

Fees realised from students leaving college in the middle of a year, when they seek admission in a subsequent year.

79. **MR. A. THANU PILLAI** (*Trivandrum*): Will the Government be pleased to state whether in Government colleges a student who leaves college in the middle of a year on account of financial difficulties, is asked to pay the full fee for the whole of that year in case he rejoins college in a subsequent year ?

MR. K. GEORGE (*Chief Secretary to Government*) The rule is that if a student who leaves College in the middle of a year rejoins College in any succeeding year, the student shall not be asked to pay the unpaid portion of the fees for the year during which he left College, provided that the grounds for his having previously discontinued are considered by the Principal of the College to be satisfactory.

MR. A. THANU PILLAI (*Trivandrum*): I wished to know whether, when a student leaves college in the middle of a year on account of pecuniary difficulties, he will be asked to pay the full fee for that year if he rejoins the college in a subsequent year. The answer is given that if the grounds of his discontinuance are considered by the Principal to be satisfactory, he will not be asked to pay.

MR. K. GEORGE (*Chief Secretary to Government*) : It depends upon the real circumstances. If the Principal is satisfied, he is at liberty to exempt the student from payment. There is no general rule saying that pecuniary difficulties would be a cause for giving exemption, but if the Principal is satisfied that the difficulty complained of is real, he is at liberty to grant the exemption.

MR. A. THANU PILLAI (*Trivandrum*): Have Government considered the desirability of making it a rule that when a student finds it necessary to leave the college in the middle of a year on account of pecuniary difficulties, he should be granted exemption?

MR. K. GEORGE (*Chief Secretary to Government*) : Ample powers are given to the Principal to deal with the matter.

MR. A. THANU PILLAI (*Trivandrum*) : My question is not that. I want to know whether the Government or the College authorities have considered the desirability of exempting the student from payment of fees for the year if he discontinues in the middle of the year on account of pecuniary difficulties.

MR. K. GEORGE (*Chief Secretary to Government*): No. There was no need to consider that, because the powers given are employed and if pecuniary difficulties are explained to the satisfaction of the Principal, exemption will be given.

MR. A. THANU PILLAI (*Trivandrum*) : In such cases how are those ample powers exercised?

MR. K. GEORGE (*Chief Secretary to Government*) : That information is not available.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, may I know whether Government will consider the desirability of exempting the students placed in such situation?

MR. K. GEORGE (*Chief Secretary to Government*) : The students can apply to the Principal for exemption and the Principal is given wide discretion in the matter and I think that is quite enough.

MR. A. THANU PILLAI (*Trivandrum*) : That is true. But I want to know if that discretion is exercised.

MR. K. GEORGE (*Chief Secretary to Government*) That information has to be obtained.

Allowance to manual training teachers.

92. **MR. M. N. NARAYANA MENON** (*Kottayam*) : Will the Government be pleased to state whether it was because they considered that the post of the instructor in manual training was unnecessary in vernacular schools, that they stopped the allowance for that post?

MR. K. GEORGE (*Chief Secretary to Governm nt*) No. The allowance was stopped as a measure of retrenchment.

MR. M. N. NARAYANA MENON (*Kottayam*) : ഈ അലവൻസു നിറുത്തിയതുകൊണ്ടു ഗവണ്മെൻറിന് എത്രലാഭമുണ്ടായിട്ടുണ്ട്

MR. K. GEORGE (*Chief Secretary to Government*) : അന്തിമ്രൂപം കണക്കാക്കുട്ടാൻ പ്രയാസമാണ്.

ADJOURNMENT MOTION.

PRESIDENT : Mr. Joseph Kunju wishes to move the ad journmen of the business of the House.

"To discuss the disapproval of the public of Travancore regarding the decision of Government to appoint a European Mechanical Engineer for the charge of P. W. D. Workshops Division, disregarding and overriding the legitimate claims of competent and duly qualified Mechanical Engineers already in the service of the Travancore P. W. D."

This is a most extraordinary motion. I know that it is the third motion that has been made during this session, based on rumour. Members do not seem to understand the meaning of the rules at all for motions for adjournment of the business of the House. This motion is, of course, disallowed.

Legislative Business.

THE PROVIDENT INSURANCE SOCIETIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the next item on the agenda is the Travancore Provident Insurance Societies Bill. Before I make the motion, with your permission, Sir, I wish to make a statement about the programme of work that has to be got through during this session of the Council. The Dewan has decided to extend the sittings of the session by one day, *viz.* Tuesday; the third reading of all the Bills has to be gone through on that day. There is then only this day for the second reading of the Bills now before the House, *viz.*, the Provident Insurance Societies Bill, the Insolvency Bill and the Chitties Regulation Amendment Bill. If it is not possible to get through the second reading of these Bills today, they will have to go to the new Legislature. If the members are anxious to get through any of these Bills, I request that they will go through it expeditiously so that the second reading may be finished; we cannot expect to have another day for this purpose. And it wil not be possible to take up any second reading on Tuesday and on the same day to go on with the third reading also.

Sir, I now beg to present the Report of the Select Committee on the Provident Insurance Societies Bill and beg to move that the bill as reported be taken for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

Clause 1 to 3.

PRESIDENT : There are no amendments to the first three clauses. I put it that clauses 1 to 3 stand part of the Bill.

The question was carried and Clauses 1 to 3 were added to the Bill.

Clause 4.

PRESIDENT: Amendment to clause 4, sub clause (1) stands in the name of Mr. K. P. Nilakanta Pillai.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I move the following amendment to clause 4, sub-clause (1):

Delete the words that occur between the words "Our Government" in line 5 and the words "a sum" in line 7.

When that portion is deleted the middle portion of the clause will read thus:

> "Or before its registration deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government a sum equal to 15 per cent of the gross income derived from its business as shown in the revenue account for the last financial year."

What the clause at present says is that "on registration or before registration a sum of Rs. 5,000 can be deposited with the Account Officer on behalf of the Government and until the society has deposited the sum of Rs. 50,000, shall annually deposit and keep deposited a sum equal to 15 per cent of the gross income." Therefore, the clause, as it is, requires the Provident Insurance Societies before or on the date of registration to deposit in advance a sum of Rs. 5,000 and thereafter to deposit at the rate of 15 per cent of the annual income of the company until the accumulated deposit amounts to Rs. 50,000. By my amendment, the initial deposit of Rs. 5,000 is to be omitted and the accumulated deposit of Rs 50,000 is not to be contemplated at future date but only the company is called upon to deposit 15 per cent of the annual income with the Account Officer on behalf of Government.

The reasons for tabling this amendment are many. It will be agreed that these companies have come into existence without any limit. That is the reason why this Bill has been found necessary to restrict the operations of such companies. Therefore, as a security so that only solvent people may come in to register Provident Insurance Companies, the Government propose to demand Rs. 5,000 in advance before or on the date of registration. Secondly, the Government also propose to call upon the promoters of the company or the company to deposit 15 per cent of the annual income of the company every year until the accumulated investment with Government reaches Rs. 50,000. Many of the members on this side of the House as well as on the other side of the House may know that many of the promoters of companies that have been registered here hitherto are not in a position to deposit this amount of Rs. 5,000, not to speak of the other deposits. In case they find it difficult to deposit this amount, what will become to the companies already existing? That is the only question we have to consider. With reference to the Chitties Regulation Amendment Bill, when this House attempted to declare illegal the starting of *kurichitties*, there was opposition on this side of the House that the *kurichitties* already started and doing business now should be exempted from the operation of the Bill. If that is so, it is all the more why it is not safe to impose the burden, that is contemplated upon the companies which have been registered in the country in the last one or two years and

which have been doing a very wide business in the country, whether good business or bad business from the point of view of the men who have taken policies in these uncertain companies. There is a clause lower down by which this Regulation insists that within a period of six months from the date from which the Regulation comes into force, if the deposits mentioned in that clause are not made that company may become illegal. Just imagine what would become of the large amounts—though they may be small from the point of view of the individual policy holder—about 400 companies together may have collected very huge amounts. I have no figures and I request the Government to give me the figures as to what the average collection by these companies in these two years would be. Calculating it at an average of Rs. 10,000, we can more or less imagine what amount of money has been collected by these companies, from poor people, and what would happen to this amount. That is the only question that we have to consider. I am not against insisting upon some substantial security being demanded from these companies. I am at one with the Law Member. But it is not possible for all the registered companies or the promoters of the companies to deposit the amounts demanded. The only course for them will be to wind up. Suppose the companies are prepared to wind up their business, I ask what would become of the enormous amounts collected from the poor policy holders. There is no remedy. Of course, contrary to the *kurichitties*, the individual policy holder may as well sue in a civil court for his remedy. But if it is our opinion that the promoters of the company are men of straw what would be the result of his suing them in a law court? That also cannot be thought of. These companies are registered under the Companies Regulation. Therefore they are limited companies and so their liabilities are limited. And the poor policy holders will be helpless if this clause is insisted upon.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If these companies are allowed to continue without security what would be the fate of the individual policy holders?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I was just saying that. I am at one with the Law Member that as a matter of necessity we should demand some security from companies that may come hereafter. Suppose this security is insisted upon in the case of about 400 companies which are not prepared to satisfy this condition, what would happen. That is the only question which I want the members to consider. I am at one with the Law Member and there is absolutely no difference with reference to the principle involved in the clause. Some sort of substantial security has to be demanded from the promoters of companies who are going to start Provident Insurance Societies hereafter. But the question is what should become of the policy holders and the money paid by them to the societies now in existence. If we agree that many of these are bogus companies and that by fraud or misrepresentation or fantastic advertisement they are carrying on business duping people, and that anyhow they have collected large amounts of money what would happen to that money?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What will happen if they discontinue transactions all on a sudden?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That also I casually referred to though I did not deal with it at length. These companies are registered under the Companies Regulation and they are subject to periodical inspection from the registering office.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it necessary that all these societies should be registered under the Companies Regulation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I think so. There may be exceptions. To speak about the generality of cases, I may say that almost all the companies are registered.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it only guess work?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) I know it as a matter of fact. With reference to the advertisement boards and with reference to my acquaintence with several of the companies I have come to know that almost all the companies are registered under the Companies Regulation. Therefore the Companies Regulation is now applied to control the activities of these companies.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*) What is the member's opinion with regard to the companies that have been registered after this Bill has been introduced in this Council?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Unless there is some Regulation or law to control their activities better, it is left to the individuals to register any company. Nobody can prevent it. Even today they may be registering companies.

MR. A. NARAYANA PILLAI (*Vaikam*): ഈ ബിൽ ആദ്യം അവതരിപ്പിച്ചപ്പോൾ ഇങ്ങനെ ഒരു സംഖ്യ ഡിപ്പാസിററ വയ്ക്കണമെന്ന് അതിൽപറഞ്ഞിരുന്നുവോ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There may not be.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Has the member any idea as to how and in what circumstances the amount deposited can be recovered by the societies from the Government?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I think there are some provisions. Anyhow, the promoters might deposit first and then it becomes the companies property. As a matter of fact, until the company stops its activities, I do not know whether this amount can be appropriated by the company. There is no definite provision for that.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it not the security of the policy holders for the amounts due to them under clause 4?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is clear that it is as security for the amount of the policy holders. But suppose the company satisfactorily carries on business and after sometime it refuses

to receive more applications for doing business and it discharges all the liabilities and is about to close its business. Then, there is this security and who must get it—the promoters or the company?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): The policy holders.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is not very clearly stated as to who should get this amount. We can just imagine a point where the company stops its activities and satisfactorily discharges its liabilities to the policy holders. Finally the security remains with the Government. Who is to appropriate that?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Under clause 4.. ....

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Under the existing Provident Insurance Societies Regulation, it has to be worked on the principle of dividing system. Many death-calls may come and the money collected with reference to this clause will be divided and given off so far as the individual policy holders are concerned. They cannot demand anything more from the company.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): When their rights are adjusted what more have they got?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): They have no right for anything more. *Ipso facto* these amounts are the concern of the company and the company has no more liability over the policy holders and the policy holders have no more right over the company for anything more.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartiakapalli*): Is it not the member's opinion that some security is necessary?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If the member's amendment is accepted where is the provision for furnishing that security?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If my amendment is accepted, I insist that 15 per cent of the annual income from the company shall be deposited with the Account Officer.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): So, the security is to be given only after collecting money at least for a year?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What will be the security for the amounts paid by persons in the first year?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There is the solvency of the promoters of the company and also their good faith. There is nothing more than that. Under the existing provisions of the Companies Regulation, these companies, even though they are registered companies, are not bound to keep a balance sheet and the necessary account books until the end of the year. Therefore, even if we by this clause insist upon 15 per cent of the collections of the companies being

[Mr. K. P. Nilakanta Pillai.]

deposited with the Account Officer on behalf of the Government every month there may not be any means of efficiently checking whether this is done. To make this possible even the existing Regulation may require amendment and this amendment itself may require a further amendment because it does not provide for the checking of accounts every month or even once in six months.

The object, I think, has been understood. I want security being demanded from the promoters of these companies, after the Regulation comes into force. But as for the existing companies, so that the policy holders may not suffer and the money collected from the country may not be appropriated by the promoters of the company who will be compelled to wind up the business in case they cannot deposit Rs. 5,000, to safeguard the interest of the country, some amendment is necessary. Therefore, at least for the existing companies this clause may be accepted and some other amendment may be made to demand security for companies which may come into existence hereafter. With these words I place my amendment before the House.

MR. A. NARAYANA PILLAI (*Vaikam*) : I second it.

ഇപ്പോൾ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതി ഈ ബില്ലിന് ഏററവും അത്യാവശ്യമാണെന്നാണെൻെറ അഭിപ്രായം. കുറിച്ചിട്ടികളെപ്പോലെ തന്നെ ഇൻഷ്വറൻസു കമ്പനികളും ധാരാളമായി വർദ്ധിച്ചിട്ടുണ്ടെന്നും ഇപ്പോൾ തിരുവിതാംകൂറിൽ നാന്നൂറിൽപരം കമ്പനികൾ ഇതുവരെ രജിസ്റ്ററാക്കപ്പെട്ടുണ്ടെന്നും സെലക്ററ് കമ്മററിറിപ്പോർട്ടിൽ കാണുന്നുണ്ട്. ഈ ബിൽ അവതരിപ്പിച്ച കാലത്ത് ഇത്തരം കമ്പനികൾക്കു ജാമ്യം വേണമെന്നുദ്ദേശിച്ചിട്ടില്ലെന്നുകരടുബിൽ കൊണ്ടു നമുക്കു കാണുവാൻ കഴിയുന്നതാണ്. സെലക്ട് കമ്മിററിയുടെ ആലോചനയുടെ ഫലമായി ഒരു സെക്യൂറിററിവേണമെന്നു തീർച്ചപ്പെടുത്തുകയും ആദ്യം തന്നെ അയ്യായിരം രൂപാ ജാമ്യം വേണമെന്നു നിശ്ചയിക്കുകയും ചെയ്തു. ഇപ്പോൾ ജോലി തുടങ്ങീട്ടുള്ള കമ്പനികളിൽ ചില കമ്പനികൾക്കു ആദ്യമേതന്നെ അയ്യായിരം രൂപാ കെട്ടിവയ്ക്കുന്നതിനുള്ള തന്റേടമുള്ളതായി വന്നേക്കാമെങ്കിലും ഒട്ടധികം കമ്പനികൾക്കും അപ്രകാരം കെട്ടിവയ്ക്കുവാൻ സാധിക്കുകയില്ലെന്നുള്ളതു തീർച്ചയാണ്. ഈ സംഖ്യ കൊടുക്കുന്നതിനു കമ്പനികൾ ശ്രദ്ധിക്കുന്നപക്ഷം എന്നെന്നേക്കും പ്രവത്തനങ്ങൾ ശരിയായി നടത്തുവാൻ നിവൃത്തിയില്ലാത്തവിധമുള്ള നഷ്ടത്തിലേക്കായിരിക്കും ഈ വകുപ്പു നയിക്കുന്നതു്. കമ്പനികളിൽ സാധാരണയായി ചേരുമ്പോഴും, പിന്നീടു ഡത്തുകാൾ സമയത്തോ, അല്ലെങ്കിൽ ബത്തുകാൾ (Birth Call) സമയത്തോ, അദാതുകളുടെ അവകാശികൾക്കു കൊടുക്കേണ്ട ഒരു കാര്യത്തിനുവേണ്ടി മാത്രമാണു പണം പിരിക്കുന്നതു്. ജാമ്യത്തിനുവേണ്ടി

യുള്ള വ്യവസ്ഥയോടുകൂടി പണം പററിക്കൊണ്ടുപോയ പാളിസിക്കാരോടു പണം പിരിച്ചിട്ടില്ല. സാധാരണ ചിട്ടികളെപ്പോലെ പണം വാങ്ങിച്ചുകൊണ്ടുപോയ ആളുകളിൽനിന്നു പണം പിരിച്ചെടുക്കേണ്ടിവരുന്നപക്ഷം ഇതിനൊരു നിവൃത്തികാണുമായിരുന്നു. എന്നാൽ ഇൻഷ്വറൻസുകമ്പനികൾക്കു പണം വാങ്ങിച്ചുകൊണ്ടു പോവുക എന്നല്ലാതെ അവരോടു തിരിയെപണം ചോദിക്കേണ്ട ഒരു ബാദ്ധ്യതയുമില്ല. അങ്ങനെ ഇരിക്കുന്ന അവസരത്തിൽ പണം കൊടുത്തവർക്കൊരു രക്ഷവേണമെങ്കിൽ കമ്പനിയുടെ പ്രവൃത്തികൾ മേൽനടത്തിക്കൊണ്ടുപോകുന്നതിന് ഒരവസരം കൊടുത്തുവെങ്കിൽ മാത്രമേ ആകുകയുള്ളു. അയ്യായിരംരൂപാ ഉടനെ കൊടുത്തുവെങ്കിൽമാത്രമേ കമ്പിനികൾക്കുപ്രവൃത്തികൾ തുടരുവാൻകഴിയുകയുള്ളു എന്നവ്യവസ്ഥ വരുത്തിയാൽ ഇപ്പോൾ പലകമ്പനികളും ഉടനെതന്നെ പിരിഞ്ഞു പോകേണ്ടതായി വരും. ഇന്ന് ഈ കമ്പനികളിലെ കണക്കുകൾ പരിശോധിക്കുന്നതിനുള്ള ചുമതലക്കാരെ ഗവൺമെന്റു നിയമിച്ചിട്ടുണ്ട്. കമ്പനിയുടെ മൂലധനത്തിന്റെ ഒരു തോതുവച്ച് ആദ്യം ചെറിയ സംഖ്യ ജാമ്യമായി എടുക്കുന്നതിനും മേലാൽ രജിസ്റ്റർ ചെയ്യുന്ന കമ്പനികൾക്ക് ഈ സംഖ്യതന്നെ ജാമ്യമായിവയ്ക്കുന്നതിനും വ്യവസ്ഥ ചെയ്യുന്നതായാൽ ഒരുപക്ഷേ ഇതിലും സൗകര്യമായിരിക്കും. ഇപ്പോൾ സ്ഥാപിച്ചു പ്രവൃത്തികൾ തുടങ്ങിയിരിക്കുന്ന കമ്പനികൾ ഉടനെതന്നെ ഒരു വലിയ തുക നിക്ഷേപിക്കണമെന്നു പറയുന്നതു നിശ്ചയമായും ആശാസ്യമായിരിക്കുകയില്ല. ഈ വ്യവസ്ഥ പല കമ്പനികളേയും ഉപദ്രവിക്കുന്നതാകകൊണ്ട്, അതു് ഈ ബില്ലിൽനിന്ന് എടുത്തുകളയണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. M. N. NARAYANA MENON *(Kottayam)*: ഞാൻ മി. കെ. പി. നീലകണ്ഠപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ അനുകൂലിക്കുന്നു. ഇന്നിവിടെ നാന്നൂറോളം പ്രാവിഡന്റു ഇൻഷുറൻസുകമ്പനികൾ രജിസ്റ്ററാക്കിയിട്ടുണ്ടെന്നു സിലക്ടുകമ്മററിറിപ്പോർട്ടുകൊണ്ടു കാണുന്നുണ്ട്. ഈ നാട്ടിന്റെ പലഭാഗത്തും വളരെ ആളുകൾക്ക് ഈ കമ്പനികൾ നിമിത്തം ഇപ്പോൾ തൊഴിലുള്ളതായിട്ടാണു കാണുന്നതു. എന്നാൽ ൫൦൦൦ രൂപാ നിക്ഷേപം കെട്ടിവയ്ക്കണമെന്നുപറയുന്നതു ഈ കമ്പനികളുടെ നടത്തിപ്പിനെ സാരമായി തടയുന്നതും തന്നിമിത്തം തൊഴില്ലായ്മ കൂടുതൽ വർദ്ധിച്ചുവരുന്നതിനു കാരണമാകുന്നതും ആയതുകൊണ്ടു ഈ ഭേദഗതി ഏറ്റവും അത്യാവശ്യമായിട്ടുള്ളതാണെന്നാണ് എന്റെ അഭിപ്രായം.

MR. K. P. MADHAVAN PILLAI *(Shertallai)*: Sir, I oppose the amendment. The very purpose for which the Bill is sought to be

[Mr. K. P. Madhavan Pillai.]

introduced into the Council is to have an effective control over the working of these companies that are every day coming into existence in this country. When this Bill came before the Select Committee, the report of the Provident Society Vigilance Committee was placed in the hands of the members. By a reference to that report we are convinced that security must be demanded from these companies which are coming into existence like mushrooms. Mr. Marathey, an expert from Gujarat, was one of the experts who was in that committee. He says that about 200 companies existed in Gujarat about 25 years ago which after 3 or 4 years' work dwindled into 3 or 4 companies and the rest of them ceased to work. Mr. Marathey has also concluded that the working of these companies has been found to be most impracticable as they are based on principles that are unscientific, unsound and unworkable. The report of Mr. Marathey is appended to this Bill also.

MR. P. S. MAHOMED (*Nominated*) : ഡിപ്പോസിററുകെട്ടിവയ്ക്കുയാണെങ്കിൽ ഈ മാതിരി ദോഷങ്ങളൊന്നുമുണ്ടാകയില്ലല്ലോ.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Yes, of course, we can have control. The existence of so many companies is a menace to those companies which are already doing good and substantial work in the country.

MR. P. S. MAHOMED (*Nominated*): ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ ഡിപ്പോസിററു വയ്ക്കണമെന്നു വ്യവസ്ഥയുണ്ടോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) ബ്രിട്ടീഷിൽ ലൈഫ് അഷ്വറൻസു കമ്പനിക്കു സെക്യൂറിട്ടി വയ്ക്കണമെന്നു വ്യവസ്ഥയുണ്ട്.

MR. P. S. MAHOMED (*Nominated*): ഇതു പോലെ പ്രാവിഡൻറുഫണ്ടിനു ഡിപ്പാസിററു വയ്ക്കണോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : ഇതുപോലെയുള്ള കമ്പിനികളൊന്നും അവിടെയില്ല. പഞ്ചാബ്, ഗുജറാററ്, ബാംബെ ഇവിടങ്ങളിലെല്ലാം ലൈഫ്അഷ്വറൻസു കമ്പിനികൾ ധാരാളമുണ്ട്.

MR. A. NARAYANA PILLAI (*Vaikam*) മെമ്പർ ഇതിൻെറ സിലക്ട് കമ്മിററിയിലെ ഒരംഗമായിരുന്നില്ലേ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : ആയിരുന്നു.

MR. RAMA VARMA RAJA (*Edavagai*) : ....

MR. K. P. MADHAVAN PILLAI (*Shertallai*): പണം നിക്ഷേപിക്കണമെന്നു പറയുന്നതു കമ്പനിയുടെ രക്ഷയ്ക്കല്ല; അതിൽ ചേർന്നിട്ടുള്ള അംഗങ്ങളുടെ ഉറപ്പിനും നന്മയ്ക്കും വേണ്ടിയാണ്.

MR. RAMA VARMA RAJA (*Edavagai*) : ഇപ്പോൾ ഏതെങ്കിലുംകമ്പനിക്കാർഅതിൽചേർന്നിട്ടുള്ള അംഗങ്ങൾക്കു പണംകൊടുക്കാതിരിക്കുന്നുണ്ടോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai* : അവർ കൊടുക്കാമെന്നു പറഞ്ഞിട്ടുള്ള തുക കൊടുക്കാൻ സാധിക്കുന്നില്ല എന്നാണ് എന്റെ അറിവ്.

MR. RAMA VARMA RAJA (*Edavagai*) ; ഇന്ന തുക കൊടുക്കാമെന്നു പറയുന്നുണ്ടോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): നോട്ടീസനുസരിച്ചു കൊടുക്കാമെന്നു പറയുന്ന തുക കൊടുക്കുന്നില്ല.

MR. RAMA VARMA RAJA (*Edavagai*) : അവരുടെ പ്രാസ്പക്ടസിൽ പിരിഞ്ഞുകിട്ടുന്ന തുക കൊടുക്കാമെന്നല്ലെ പറയുന്നതു്?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : പിരിച്ചെടുക്കുന്നതിന്റെ മൂന്നിൽ രണ്ടുഭാഗം തന്നെ എല്ലാ അവസരങ്ങളിലും കൊടുക്കുന്നില്ല. ഇതിനെ സൂപ്പർവൈസ് ചെയ്യുന്നതിനു ശരിയായ ഒരു ഏജൻസിയുമില്ല. ഞാൻ തന്നെ ഒരു കമ്പനിയുടെ പ്രസിഡൻറാണ്. പലതരത്തിൽ നോക്കിയിട്ടും ജാമ്യം കെട്ടിവയ്ക്കേണ്ടതാവശ്യമാണെന്നാണ് എനിക്കു ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതു്.

MR. RAMA VARMA RAJA (*Edavagai*): നിങ്ങളുടെ കമ്പനിക്ക് ഇങ്ങനെ കെട്ടിവയ്ക്കാൻ സാധിക്കുമൊ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : ഒരുപക്ഷേ സാധിച്ചു എന്നുവരാം.

MR. P. S. MAHOMED (*Nominated*) : അപ്പോൾ നിങ്ങളുടെ കമ്പനിക്കു വേണ്ടി രാജ്യത്തുള്ള മററു കമ്പനികളെല്ലാം നശിപ്പിക്കാമെന്നാണോ ഉദ്ദേശിക്കുന്നതു്?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): അങ്ങനെയല്ല. എല്ലാ കമ്പനികളുടേയും നടത്തിപ്പിനതത്യാവശ്യമാണ്.

MR. P. S. MAHOMED (*Nominated*): കമ്പനിക്കാർ പരസ്യം ചെയ്യുന്ന തുക കൊടുത്തില്ലെങ്കിൽ ഡിപ്പാസിററിൽനിന്ന് എടുക്കുന്നതിനെ സംബന്ധിച്ചു വല്ല വ്യവസ്ഥയുമുണ്ടോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : ഇല്ല. ൨൦ കൊല്ലം കഴിഞ്ഞു കിട്ടേണ്ട തുകയ്ക്കു്, ഒരു പാളിസിഫോംഡക്ക് ഇതല്ലാതെ വേറെ ജാമ്യമില്ല. ഡത്തുകാളല്ലാതെ ൨൦ കൊല്ലം കഴിഞ്ഞു കൊടുക്കേണ്ടതായ പാളിസിയും കാണും.

MR. RAMA VARAMA RAJA (*Edavagai*) ; നിങ്ങളുടെ കമ്പനി ഇത്തരത്തിലാണോ പ്രവർത്തിക്കുന്നതു്?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : ഞാൻ ഒരു പ്രത്യേക കമ്പനിയെ ഉദ്ദേശിച്ചല്ലാ പറയുന്നതു്. എല്ലാ കമ്പനികളുടെയും നടത്തിപ്പിന് ഇതത്യാവശ്യമാണെന്നാണു പറയുന്നതു്.

MR. P. S. MAHOMED (*Nominated*) : ഡത്തുകാരം കൊടുത്തു പിരിച്ചയക്കുന്നവർക്കു ൧൨ കൊല്ലം കഴിഞ്ഞു പിന്നെയും കൊടുക്കേണ്ടതായി വരുമൊ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : വെപ്പുകാരം കൊടുക്കുന്നതിനല്ല ഈ തുക ഉദ്ദേശിച്ചിരിക്കുന്നതു എന്നു ഞാൻ ആദ്യമെ പറഞ്ഞു കഴിഞ്ഞു. എന്നാൽ അതല്ലാതെ ൧൨ കൊല്ലം കഴിഞ്ഞു കിട്ടുവാനുള്ളവരുടെ ഒരു ജാമ്യത്തിനു വേണ്ടിയാണ് ഈ തുക നിശ്ചയിച്ചിരിക്കുന്നതു്.

MR. A. NARAYANA PILLAI (*Vaikam*) : മെമ്പറുടെ കമ്പനി ഉടനടി ൫൦൦൦ രൂപാ കെട്ടിവയ്ക്കാൻ തയ്യാറുണ്ടോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : കെട്ടിവച്ചില്ലെങ്കിൽ കമ്പനി നടത്തണ്ടാ.

MR. A. NARAYANA PILLAI (*Vaikam*) : അതിലേക്കുള്ള ധനശക്തിയുണ്ടോ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : ഉണ്ടെന്നാണു വിചാരിക്കുന്നതു്.

MR. A. NARAYANA PILLAI (*Vaikam*) : മെമ്പറുടെ കമ്പനിയുടെ Paid up Capital എത്രയാണ്?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : അതിപ്പോൾ ഇവിടെ പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : It is because the committee is convinced that these companies cannot exist for more than 3 or 4 years even if scientific principles were adopted, that this provision has been introduced into this bill. So, I very strongly oppose the amendment now brought before this House.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Sir, I too rise to oppose the amendment proposed by Mr. Nilakanta Pillai. Mr. Nilakanta Pillai practically seeks to dispense with one of the essential safe-guards provided for under this clause. Sir, this Bill which is now before the Council is intended to check or control the operations of what are known as free insurance societies which are based upon what is known as the dividing principle. This principle has been condemned by experts who are competent to express an opinion in the matter as unsound and unworkable. It is, therefore necessary when we embark upon a legislation of this nature, that we

should see that the necessary safe-guards are provided in the Bill to ensure the satisfactory working of these societies based upon the dividing principle and to ensure their satisfactorily meeting the future obligations to the policy holders. One such safe-guard is that which is provided in this clause. It is absolutely necessary to have that safeguard. It is based upon the suggestion of an expert Indian actuary, Mr. Marathey, as was pointed out by Mr. Madhavan Pillai.

MR. A. NARAYANA PILLAI (*Vaikam*): ജാമ്യം കെട്ടിവയ്ക്കുന്നതു കമ്പനിയുടെ ധനസ്ഥിതിയെ ആശ്രയിച്ചായാലും പോരേ?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I am sorry, I cannot give a reply to the member in Malayalam.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If these companies which are unable to satisfy the statutory provisions come to grief will not many people be affected? That is what Mr. Nilakanta Pillai emphasises.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): We have to look more to the interests of the large mass of people who have insured than to the companies themselves. It is for the people that we legislate.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Exactly. That is the reason why I am asking the member to consider the case of the people who have insured. It is suggested by Mr. Nilakanta Pillai that most of these companies may not be in a position to meet the obligations if this law is passed.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): They must necessarily go out of existence.

MR. E. V. KRISHNA PILLAI (*Kottarakkara* cum *Kunnattur*): To the detriment of these people?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Not necessarily. They will render themselves liable to be sued by the policy holders.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member think that some provision for meeting such a contingency should be incorporated in this Bill?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I am not suggesting any provision now.

MR. P. S. MAHOMED (*Nominated*): ഈ രീതിയിലുള്ള ഒരു ഇൻഷ്വറൻസുവേണ്ട എന്നു വച്ചുകൂടേ ?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): We cannot go back upon what we have already done.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I ask whether provision has not been made in the Bill with regard to amalgamation of the companies?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Yes, there is provision to that effect which may go to the relief of the companies.

[Mr. S. Chattanatha Karaylar.]

Then, my second objection is that, if the amendment is accepted the Regulation would provide only for the deposit of a sum equal to 15 per cent. of the gross income of the last financial year. Let us take the case of a company which is formed after the commencement of this Regulation. It would have obviously done no business during the year. So it will have to deposit nothing at all. Is that the result which Mr. Nilakanta Pillai contemplates under this amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If it does not do any business, then nobody will suffer.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): It need not deposit any amount at all in the first year. If it has worked for one year, then it has to deposit 15 per cent. of the income of the last financial year.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I draw the attention of the member to the fact that the principles which we apply to the provident insurance companies differ from the principles of the life insurance companies?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): This is the principle.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to the provident insurance companies, is the member for asking for a deposit of the whole amount collected?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): No. That goes against the fundamental principles of the Bill. So, Sir, the societies that may come into existence after the commencement of this Regulation need not deposit anything at all under this Regulation because under the amendment proposed by Mr. Nilakanta Pillai such societies have to deposit only during the first year of their working and not thereafter. So, such societies as come into existence after the commencement of this Regulation stand on a better footing than the companies that have already come into existence.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will it not hereafter prevent all reasonable men to resort to companies that come into existence?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Then, Sir, the amendment as proposed by the mover does not seek to delete the proviso to the clause.

PRESIDENT: He has another amendment to that.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): That has not been considered along with this. This is only one amendment. If we pass this amendment then it will render the proviso to the clause unnecessary. That will be absolutely meaningless. On these grounds, I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I cannot accept the amendment.

The question of deposit was considered very carefully by the committee and they have come to a unanimous conclusion. It *is* necessary that even the existing societies should make the deposit of Rs. 5,000. The contingency which Mr. Nilakanta Pillai put forward, *viz.*, that they may not deposit but cease to work was considered by the Committee and the Committee was of opinion that the companies that do not or could not make the deposit should cease to function. The earlier such companies go out of existence the better. The Committee have however made provision to meet the necessities of honest companies who are prepared to act up to the law and to meet the claims of the assured. With that purpose in view we have made provision for amalgamation or transfer of companies in clause 15 of the Bill, the object of which is if two or more companies are too poor to deposit Rs. 5,000, and yet are prepared to work honestly the concerns may be amalgamated. The subscribers of the companies need not therefore suffer. I think that it is a very ample provision for honest companies. Those who do not act up to that must cease to exist. The earlier they go out of existence the better.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Is there any such provision in regard to similar societies existing outside Travancore?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, in fact some criticism was made against the Bill because I did not make provision for that.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Sir, I would also oppose the amendment, and in doing so, make a few observations regarding the necessity of making a provision for the deposit now taken objection to. I do concede that there is no similar provision in the Provident Insurance Act of 1912 now in force in British India. From the latest blue book of the Government Actuary to the Government of India, I find that, at the end of 1931, only 160 societies registered under that Act were working throughout the whole of British India. In Travancore, however, as could be seen from the Report of the Select Committee, there are now 467 companies that would come under the definition of Provident Insurance Societies according to this Bill. It has also to be noticed that the number of institutions working on the dividing principle is very small in British India. On the other hand, it is unfortunate that so far as Travancore is concerned, almost all the societies are working on this line. I understand that, even after the submission of the Select Committee's report, several companies have been registered for being worked on this basis, and the number seems to be increasing every day. As pointed out by my friend Mr. K. P. Nilakanta Pillai, it is seen that experts have condemned the work of these societies as unsound, unscientific and unworkable. But one of the experts Mr. Marathey, in consideration of the large number of policy-holders who will be affected by such a law, has suggested a *via media*, that is, for attempting to see whether such institutions could not be made to work on scientific principles, and whether they could not be made to change the lines of working, by adopting some of the essentials of proper insurance companies.

[Rao Bahadur, A. Venkatarama Aiyar.]

It is by adopting some of these suggestions that improvements have been made in this Bill as amended by the select committe. It is not hoped that, in the light of the pronouncements made by these experts, these institutions are going to work satisfactorily. I may also explain what these societies actually do. They collect on every death—some collect every month irrespective of any death—one rupee, and out of the total amount so collected, distribute a pretty large slice of it, 2/3 or 3/4 or 80 per cent. among the heirs of the deceased policy holders, appropriating the balance for working expenses, reserve fund and dividend. In the case of policy holders who pay for 12 years and who survive at the end of the period, there is an undertaking given by the company that a definite lump sum would be paid to them. From the very unscientific nature of these schemes, as experts have pointed out, these amounts cannot be paid by these societies; credulous and illiterate people, have taken policies in these companies and they will have to lose their hard earned money. It is with a view to see that their interests are safeguarded that a provision for security has been considered necessary.

It may perhaps be suggested that the amount prescribed is very high. But, in view of the fact that there are several companies at work each having, in some cases, about ten or twelve thousand policy holders, it is perfectly easy for several of them to collect the amount specified from the policy holders, if necessary. Further, provision has been made for the amalgamation of these companies, so that if individual societies find it difficult to raise Rs. 5,000, several of them may join together and raise the amount of security.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I draw the attention of the learned Deputy President to Section 15 quoted by the Law Member which says nothing of amalgamation? Amalgamation is possible only after the companies have come into existence; and for companies to come into existence, they must each pay Rs. 5,000 as security.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): The provision clearly lays down the course these societies have to adopt in case they want to work. Most of these societies have been registered under the Companies Regulation and so, if, as a result of the present Bill coming into force, some of these societies are not able to work, they must wind up in accordance with the provisions of the Companies Regulation. To make it possible for the policy-holders to see that the promises held out to them are carried out, to safeguard their interests, and to see that public money is safe in the hands of these societies, it has been provided that Rs. 5,000 must be deposited as security. It is this consideration that prompted the Select Committee, of which I was also a member, to provide for a security and to fix it sufficiently high.

MR. RAMAVARMA RAJA (*Edavagai*): ഇപ്പോഴുള്ള കമ്പനികൾ അമാൽഗമേററ് ചെയ്യാമെന്നു പറഞ്ഞു. അതിലേക്ക് ഓരോ കമ്പനിയും ൫൦൦൦ രൂപാ കെട്ടിവച്ചു് അമാൽഗമേററ് ചെയ്തശേഷം ആ തുക തിരിച്ചുമേടിക്കണമോ അതല്ല അമാൽഗമേററ് ചെയ്തശേഷം ഈ തുക കെട്ടിവച്ചാൽമതിയോ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): രൂപാകെട്ടിവച്ചു ശേഷം അമാൽഗമേററ്ചെയ്തു്, അമാൽഗമേററു് ചെയ്ത കമ്പനിയുടെ രൂപാ തിരിച്ചു മേടിക്കുകയോ അല്ലെങ്കിൽ നാലഞ്ചു കമ്പനികൾ ചേർന്നു് അവരുടെ ബിസിനസ് അമാൽഗമേററു് ചെയ്തു ൫൦൦൦ രൂപാ കെട്ടിവയ്ക്കുകയോ ചെയ്യാം. അതിലേക്ക് ൬ മാസത്തെ അവധിയും കൊടുത്തിട്ടുണ്ടു്.

MR. RAMA VARMA RAJA (*Edavagai*): ഇതിൽ അധികം കമ്പനിക്കാർക്കു ൫൦൦൦ രൂപാ കെട്ടിവയ്ക്കാൻ സാധിച്ചില്ലെങ്കിലോ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): ഒരു കമ്പനിക്കു സാധിച്ചില്ലെങ്കിൽ രണ്ടു കമ്പനികൾ ചേർന്നു് അമാൽഗമേററു് ചെയ്തു പണം കെട്ടിവയ്ക്കണം.

MR. RAMA VARMA RAJA (*Edavagai*): രണ്ടു മൂന്നു കമ്പനികൾ ചേർന്നു ഗവണ്മെൻറിൻെറ അനുവാദം ചോദിച്ചു പണം കെട്ടിവയ്ക്കാൻ ഇതിൽ പ്രൊവിഷൻ കാണുന്നില്ല.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): നാലഞ്ചു കമ്പനികൾ ഒന്നിച്ചു ചേർന്നു ബിസിനസ് നടത്താൻ നിശ്ചയിച്ചാൽ ഈ റഗുലേഷൻ അനുസരിച്ചു് ഒരു കമ്പനി പണം കെട്ടിവച്ചാൽ മതി. അതിലേക്കു പ്രൊവിഷനുണ്ടു്.

I have nothing to add with respect to that. I think the interests of the policy-holders would not be safe unless there is a provision for security in a statute like this.

MR. RAMA VARMA RAJA (*Edavagai*): ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ കമ്പനിക്കാർ ഇവിടെ വന്നു ബിസിനസ് നടത്തുന്നുണ്ടു്. അവർ പണം കെട്ടി വയ്ക്കാൻ തയ്യാറായില്ലെങ്കിൽ അവരെ തടയുവാൻ എന്താണു വഴി?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): ഈ ബിൽ മുഴുവനും വായിച്ചു നോക്കിയാൽ ഇങ്ങനെ ഒരു ചോദ്യം ചോദിക്കയില്ലായിരുന്നു. ബ്രിട്ടീഷ് ഇൻഡ്യയിൽ.—

MR. RAMA VARMA RAJA (*Edavagai*): ഈ ബില്‍ സിലക്ട് കമ്മററിയിലെ പ്രസിഡന്‍റായിരുന്നയാൾ അതിനെപ്പററി പറഞ്ഞാലും മതി.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy president*): ഉത്തരം പറയുന്നതിനു മുമ്പു വീണ്ടും ചോദിച്ചാല്‍ മറുപടി പറയുക എന്നുള്ളതു കുറെ പ്രയാസമാണ്. ബ്രിട്ടീഷ് ഇന്‍ഡ്യയിലുള്ള കമ്പനിയായാലും ഇവിടെ ഈ ബില്ലില്‍ പറയുന്ന പ്രവൃത്തി ചെയ്തു കൊണ്ടിരുന്നാല്‍ ഇവിടെ രജിസ്റ്റര്‍ ചെയ്യേണ്ടതാണെന്നു പറഞ്ഞിട്ടുണ്ട്.

MR. RAMA VARMA RAJA (*Edavagai*): അവര്‍ ഇവിടെ ഒരാഫീസ് വയ്ക്കുക മാത്രമെ ചെയ്യുന്നുള്ളു എങ്കില്‍ രജിസ്റ്റര്‍ ചെയ്യണോ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): ആഫീസ് ഇവിടെ വയ്ക്കുന്നതു ഈ ബില്ലില്‍ പറയുന്നജോലി ചെയ്യുന്നതിനാണല്ലോ. അതുകൊണ്ടു നിശ്ചയമായും രജിസ്റ്റര്‍ ചെയ്യണം.

I wish to make one more observation. The fact that a similar provision has not been made in the Statute in British India ought not to deter us from making the provision here. Our position is rather peculiar.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Was not the corresponding enactment in British India enacted as early as in 1912 ?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Yes; I think there is a proposal to amend the Act there. Anyhow, conditions in Travancore are abnormal, especially in this matter. The inordinate number of such companies in such a small area as compared with British India and the terrible havoc caused by these companies have to be taken into consideration in considering whether the safeguard of a good security is necessary or not. It may be said that the corresponding English Statute does not contain a provision similar to the one now under discussion. But, there is no Statute in Great Britain corresponding to the Bill now before the House. But their Friendly Societies Act and other similar enactments do make a provision for specific amounts being given to the heirs of the members on their contributing a small amount without involving any risk on account of the death of the subscribers. But, here, these societies work on the lines of life insurance companies in certain respects. The object is mainly to cover the risk involved in the death of the subscribers and not to make a provision for the heirs of the subscribers as in England. These are not really mutual benefit associations. These societies collect money on the death of one or more subscribers and a good deal of fraud

is likely to be committed in the actual working. The money due is not, in many cases, paid in the month in which the money has been collected. It is to provide the necessary safeguard for the interest of the policy-holders that this provision for security has been made.

With these words, I oppose the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The provision in the Bill is very hard and it may be ruinous to the country than beneficial. With due respect to the speakers who have opposed the amendment I think they are confusing between the principle underlying life insurance companies and the principle underlying these Provident Insurance Societies. I am more or less certain that it is with the working of life insurance companies in mind that the provision now sought to be amended has been enacted.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : How is the member so certain about that ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I shall just read one or two passages to show that even for controlling ordinary life insurance companies such a hard provision, as we now have in the Bill, does not occur in other places. Sir, this is the provision in the United Kingdom.

"As a guarantee of good faith and in order to check the practice of forming companies for the mere purpose of selling them to other companies, assurance companies established, or commencing to carry on business within the United Kingdom, after the passing of the Act (9th August 1870) are required to deposit £ 20,000 in the Court of Chancery to be invested as other funds under the control of the court, the company electing the particular security and receiving the income. This deposit is made a condition precedent to incorporation, and is to be returned as soon as the life assurance fund accumulated out of premiums amounts to £ 40,000.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Are the companies in the United Kingdom like our free insurance companies ?

MR. K P. NILAKANTA PILLAI (*Chirayinkil*) : No ; it is the distinction between these companies and the free insurance companies here that I want the House to bear in mind. Even in the case of life insurance companies, in the United Kingdom, though each company has to deposit £ 20,000 as a condition precedent to its starting work, this deposit is refunded to the company after its reserve, which it has to accumulate at a certain percentage, has accumulated to £ 40,000.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Do these societies in the United Kingdom work on the dividing principle?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : No ; all the more is the strength that my argument gains. Because even in the case of these insurance companies involving lakhs and lakhs of rupees, the deposit of £ 20,000 is to be returned as soon as the company's fund accumulates to £ 40,000. On the other hand, what is the provision here ? First Rs. 5,000 has to be deposited as security. Secondly, a fund has to be accumulated by investing at the rate of 15 per cent. per annum. There is no provision for the deposit to be returned at any time. After all, Sir, what is the position of our companies? What is the money that, ordinarily, the promoters of one such company here get? On the

[Mr. K. P. Nilakanta Pillai.]

whole the subscriptions collected in a month may come to a hundred or two, out of which about 75 or 80 per cent. has to be paid to the heirs of the deceased. Naturally, they would have incurred some expenditure on account of the collection of the subscription, office establishment and contingencies. The balance left with them, ordinarily, is practically nothing. What is the meaning in calling upon these companies, Sir, to deposit Rs 50,000?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I point out to my friend that these companies have promised to pay a lump sum to every subscriber who survives the period of 12 years? If as my friend has now explained, as they work at present, they have nothing left with them at the end of the month, how are they going to fulfil that promise? Should we not provide some safeguard for that?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The proper provision for that would be to compel the companies to build up a sufficient reserve and not to ask them to deposit a security which they cannot deposit.

The difficulty can arise only with regard to the first five or six months. Afterwards, every time a death occurs, the subscriptions will be collected and the major portion of it will be paid to the heirs of the deceased.

On the other hand, the rest may go to strengthen the reserve fund. Even after two years, money may be equally distributed to the policy holders. Some such thing has to be agreed to.

Again, the Law member was telling the House that Section 15 provides for the amalgamation of two or more societies.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether these accumulated deposits do not go to form part of the assets of the company?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not think so.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is it then?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is only a security *at best*.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Is it the member's opinion that it is to be finally appropriated by Government?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I ask Government, to whom would the deposit be handed over, if the company ceased to work.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): It will be given over to the liquidators, to be distributed among the policy holders and promoters. Eventually it will be an asset to the company.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is there I do not quite understand.

MR. K. P. MADHAVAN PILLAI (*Shertallay*): Will the member refer to clause 15?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not want to be interrupted like that.

Suppose I start business with 10,000 policy holders and carry on business. Some how or other I complete the formalities regarding deposits and deposit Rs. 50,000 with Government. Thereafter I never want to do business because I think I can meet the liability of the company from reserve fund. After some period, I successfully come to the conclusion that I can discharge my liabilities with reference to every policy holder. Now I want to close the business. What will be done with that fifty thousand rupees ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): If the company ceased to work after clearing all liabilities, the deposit with Government will be handed over to you.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : By " you " what do you mean ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : To the promoters.

MR. K. P. NIAKANTA PILLAI (*Chirayinkil*) : Half a dozen people register themselves as promoters of the company and they deposit only Rs. 5,000. It is the policy holders' money that is getting accumulated. Have they no claim or right on the deposit with Government ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : When you propose to discharge the policy holders' liabilities, it is the business of the policy holders to take charge of Rs. 50,000 and get equitable distribution among the promoters.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : My contention again is this. With reference to existing companies and their detailed nature of work in the matter of prospectus and rules, this Regulation is defective. The rules contained in the present regulation govern only companies that are going to take their birth after the commencement of the Regulation. What is there in the present regulation to say that such and such companies shall have their own prospectuses or that the liability of its members is concluded by its prospectus? Is there anything in the Regulation to compel the promoters to change their prospectus? Many of the companies can change the provisions of the prospectus according to changed circumstances when the Directors deem it necessary. If the rules are alterable, there is no mention about that in the present regulation. If therefore I start business, am I to be held liable more than that of the liability announced by the prospectus?

There is Section 16 which provides for the amalgamation of companies. That is effected provided two or more companies agree and that is sanctioned by a Civil court. That means we have two or more companies which are recognised; they have to agree among themselves for amalgamation first of all. Amalgamation is made practically impossible by Section 15 (6) which says that if one-tenth of the policy holders dissent from amalgamation, the Government cannot sanction the amalgamation. Suppose two companies want to collude and appropriate money.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the member's view that the promoters will work against the interests of the policy holders?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Otherwise what is it?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the member's fear?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I fear all sorts of things. Even granting both these companies deposit Rs. 5,000 before amalgamation and they apply for amalgamation. Where is the provision for an amalgamation on a single deposit of Rs. 5,000? It is two companies that agree to combine. So there must be two deposits necessary for amalgamation. Rules regarding amalgamation are imperfect. Again, as was suggested, suppose the companies unite. Taking advantage of the present rules, the responsible men go to Cochin or British India. Through their agents money is collected in Travancore. There is no provision prohibiting this. There is no specific provision regarding registration in reference to any deposit. Through agents responsible men can draw all the money.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): There is clause 9.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Should a British Indian Society deposit any sum?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Clause (9) says that "No provident insurance society shall receive......... unless it is registered.............."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I cannot imagine any other society.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Only Travancore companies can be registered. If not, they cannot work here.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is exactly the reason why they cannot receive any money.

MR. S. CHATTANATHA KARAYALAR (*Pattanpuram* cum *Shencotta*): They can be penalised, if not registered in accordance with the Regulation. We legislate only for Travancore companies.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is left in darkness. Provisions regarding amalgamation are hard and unworkable. From the point of view of the working of the companies it may be ruinous to the interests of the country and the generality of the people.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to add.

Amendment of Mr. Nilacanta Pillai to clause IV was put to the vote of the House and lost.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) I demand a poll.

A poll was taken with the following result.

AYES—4.

1	Mr. A. Narayana Pillai	3	Mr. Rama Varma Raja
2	„ M. N. Narayana Menon	4	„ K. P. Nilakanta Pillai

NOES—32.

1	Rao Bahadur A. Venkiatarama Iyer	17	Mr. K. Gopalakrisnna Pillai
		18	„ John Joseph
2	Mr. K. Kunjukrishna Pillai	19	„ K. George
3	„ S. Krishna Pillai	20	„ A. Kumara Pillai
4	„ K. Madhavan Pillai	21	„ C. N. Sriranganatha Sastri
5	„ K. P. Madhavan Pillai		
6	„ M. P. Madhavan Pillai	22	„ R. Nilakanta Pillai
7	„ A. Thanu Pillai	23	„ Kayalam Paramesvaran Pillai
8	„ R. S. Subramonya Pillai		
9	„ K. Krishnan Nayar	24	„ B. Nanoo Pillai
10	„ K. C. Karunakaran	25	„ N. K. Padmanabha Pillai
11	„ K. Padmanabha Panikkar	26	„ R. Dhanukoti Pillai
12	„ K. Narayanaperumal Nadar	27	„ S. C. H. Robinson
13	„ A. S. Damodaran Asan	28	Rao Sahib Dr. N. Kunjan Pillai
14	„ Chattanatha Karayalar		
15	„ K. P. Abraham	29	Mr. E. G. McAlpine
16	„ Tuppan Namputripad	30	„ J. S. Westerdale
		31	„ C. O. Madhavan
		32	„ N. Nilakanta Pillai

NEUTRALS - 6.

1	Mr. N. K. Krishna Pillai	4	Mr. K. C. Kocheeppan Mappilla
2	„ E. V. Krishna Pillai		
3	„ K. P. Kochukora Tarakan	5	„ P. S. Mahomed
		6	„ M. Mahomed Mustapha

The amendment was declared lost, 4 voting *for* the amendment 32 *against* and 6 remaining *neutral.*

The question that clause 4 do stand part of the bill was then put and carried and the clause was added to the Bill.

Clause 5.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I move that,

In clause 5. sub-clause (1), line 4 insert the words "grand child between the words "child" and "parent".

I propose this amendment with a view to see that some understanding is arrived at with reference to the working of the companies now existing. Under the rules they allow policies to children also. If the law member has no serious objection to that, I am not very particular of pressing it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If the House is agreeable I have no objection to accept it.

PRESIDENT : I put it to the House that the amendment be passed.

The amendment was passed.

Clause 5.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I move that,

In clause 5, sub clause (1), delete the clause:

"nor shall any such society issue any policy in which a person other than any such relation is nominated as the payee of the money insured" occurring after "such person".

I seek to omit the portion that is sought to be incorporated in the clause by the Select Committee. That clause deals with insurable interest and the first portion of it is practically confined to that. It says 'No society shall receive money to be paid on the death of any person other than the person paying such premium or the wife, husband child, parent, brother or sister of such person,........." That will include grandchildren also. I can understand any restriction being placed upon insurable interest. I cannot understand why any such restriction should be placed upon the nomination of the payee. If no restriction is placed upon nomination, I do not think it will lend itself to any fraud. If the Law Member will convince me, that it will lead to practice of fraud or any such thing, I have no objection to withdraw the amendment. The principles governing the first portion and the second portion are different. For example a man may like to benefit his servant. If this clause, as it is, is accepted, then it will debar him from benefiting his servant.

Another ground I urge is this. The issuing of a particular policy takes place at a particular point of time and nomination need not be made then. This portion which I seek to delete can be defeated by the policy holder simply defering nomination. So long as there is no provision in the bill making it obligatory on the policy holder to nominate the payee at the time the policy is issued, the clause proposed to be inserted is meaningless.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I second it. As it is, the benefit that is sought to be conferred upon a stranger is restricted to the relations specified in the section. Mr. Karayalar's amendment seems to widen the scope of the benefit under that section. If it is contended that strangers also may be allowed to gain the benefit of such assignment, we should see that no fraud is practised in assigning policies. There is a section coming below whereby any such fraudulent assignment may be difficult.

MR. K. P. ABARHAM (*Muvattupuzha* cum *Todupuzha*): Am I to understand from the member that nomination and assignment should take place at the same time?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I take the amendment to mean that if anybody wants to confer any benefit, upon some other, he should not be restricted within the scope of the relationship mentioned in sub-section 5(1).

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does the member differentiate between nomination and assignment?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): There is difference. In the case of nominations, there are restrictive clauses here which do not admit of any fraud and in the case of assignment there is a register provided for that. So the amendment is sensible in as much as it gives one ample scope for conferring the benefit upon whomsoever the policy holder wants

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Could not the policy holder make nominations himself?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will this provision in any way hamper that freedom?

MR. E V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Even then, where is the harm in allowing that freedom even at the initial stage?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there not some chance for strangers to get their names registered in a company as policy holders?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The very same thing can be apprehended in the case of relations also.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will not relations have some interest in the life assured?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May or may not.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I oppose the amendment. The object with which this clause was introduced in the Select Committee's report was mainly this. It has been brought to our notice that in several of these insurances, the person effecting insurance or the person on whose life insurance is so effected, has nothing to do with the policy effected. Almost all these insurances are made behind the back of the individuals. An agent will be deputed by a company for getting insurance policies effected. A busy and clever man in a locality would always get that opportunity in the name of a person who knows nothing about it and at the same time nominate himself as the beneficiary in the policy. A person in whose name insurance is effected does not know that an insurance has been effected.

The person whose name is nominated will be the person who is interested in it and he will be the person who will be paying the money. If this thing goes on people who actually want to effect a policy to benefit their sons or grandsons would find themselves confronted with this difficulty that in the rules of almost all the companies there is a provision that no second application for insurance on the same life shall be recognized. That being so, the old woman of 70 will take a long time to hear about the Insurance Companies. In the meantime the agent knows that there is an old woman in the locality who is likely to croak very soon. Up goes the agent and she nominates her best friend as the nominee. The agent receives death calls for three or four months and the woman dies. Immediately before her death she is

[Mr. S. Krishna Pillai.]

old of her grand child. The woman is made to sign an application and the peron who is really to be benefited, her child or grand child, sends up the application with one rupee. The money is received and his name entered in the company register and certificate issued in his name. Soon after, the woman dies and the company declares so and the son goes and claims the amount. But the company people say that "there is a previous application and so you are not entitled to it." Under the rules of the Company, only the first applicant has the right to receive the money and so the first applicant or the person who has been able to effect a fraudulent policy is the only person who is able to get it. But if there is a statutory provision that no one other than the persons mentioned in clause 4 shall be the nominee those people in the locality will not have benefited at the expense of these old illiterate people.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Why is it not mentioned father and mother in this?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Parents, I think, 'Parents' will include father and mother (*laughter*).

It was with this object that we thought that such a provision ought to be made. I am sure if there was not this tendency to insure on other people's lives, we would not have had 460 companies in existence today. Every man's life is open to attack and no man's life is safe. I have been reading a book relating to the insurance system and I find that in the ancient days there was a system of insurance known as the 'tontaine' insurance. At that time more than two persons at the initial stages were entered in the policy and under the term of the policy it was declared that the last survivor would be entitled to claim the whole amount after the expiry of a certain period. Soon after these polices were effected it so happened that there was a tendency among those to exterminate one another. These led to various scandals and the legislature had to come forward and put a stop to them. We are in a similar predicament. A lot of persons become interested in the life or death of a poor individual in the locality. After the policy becomes matured, whether it is 183 days under the policies issued by some of the prior Companies or 15 days fixed by some of the latest companies, we find that some people become interested not in the improvement of the health but in the death of certain people. This fear induced us to include this provision. This is not an original provision brought into this Bill. But it is borrowed from some British Indian Acts. Of course, the provision made therein is not intended to meet any contingencies similar to the one in our State. We thought that it would be better that there was a provision like that here also.

Recently we had a list of fastings thrughout India and some well known persons were insured in our locality. Even Mahatma Gandhi was not beyond attack in this respect. It is only speculation. We say so and so may die within say 18 days. Mahatma Gandhi, or for that matter Mr. Kelappan stands nothing to lose. But it is not that,

That is the way in which these companies are being formed. So that any person's life is open to attack.

MR. K. GEORGE (*Chief Secretary to Government*): But a brother may defraud a child.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Those cases are not usual. We can provide only for the usual contingencies.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In that case nobody stands to lose anything if Mr. Kelappan dies and we gain Rs, 2,000.

MR. S. KRISHNA PILLAI (*Karunagapalli*): After the expiry of a few days one may even go to Guruvayoor and try to poison him in the hope of getting Rs. 2,000. That tendency to speculate and gamble on another man's life should be prevented. On human lives you should not gamble. As has always been recognised it is the paramount duty of the legislature to protect one man's life against the attacks of another person.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jennies*) അടുത്ത ഒരവസരത്തിൽ വിഷം കൊടുത്തു ഒരാളിനെ കൊന്നു എന്നൊരു കേസ് മദ്ധ്യതിരുവിതാംകൂറിൽ എവിടെയൊ ഉണ്ടായിട്ടുള്ളതായി അറിയാമൊ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): അങ്ങനെ പ്രത്യേകമായി ഒരു കേസുണ്ടായതായി എനിക്കറിഞ്ഞുകൂടാ കുറെ വയസ്സായ ആളുകൾ ഒരു വയറിളക്കം വന്നാൽ അതു ഒതളങ്ങാ കലക്കി കൊടുത്തതു കൊണ്ടായിരിക്കുമൊ എന്നു ഭയപ്പെടുന്നുണ്ട്. പ്രായാധിക്യം കൊണ്ടു വിഷം കൊടുത്തേക്കുമൊ എന്നുള്ള ഭയം നല്ലവണ്ണമുണ്ടാകും. രാത്രിയിൽ തനിച്ചു കിടക്കുകയില്ല. കതകു തുറന്നിട്ടു കിടക്കുകയില്ല. ഇത്തരത്തിലുള്ള ഭയാധിക്യത്താൽ വയസ്സായവർ വളരെ വിഷമിക്കയാണ്. എന്നാൽ പ്രാവിഡൻറു ഇൻഷൂറൻസിനുള്ള ക്ലയിം മകനു മാത്രമെ കൊണ്ടു പോകാവു എന്നു വരികയാണെങ്കിൽ അതിനു കുറെ സമാധാനമുണ്ട്. കിട്ടുമെന്നു ആശിക്കുന്നതും അവസാനത്തിൽ കിട്ടാതെ വരുന്നതുമായ പണത്തിനു വേണ്ടി മകൻ അച്ഛനെ കൊല്ലുകയാണെങ്കിൽ അങ്ങനെ ചെയ്തുകൊള്ളട്ടെ. പണം കിട്ടുന്നതിനു വേണ്ടി എപ്പോഴും അയൽ പക്കക്കാരൻ മരിക്കുന്നൊ എന്നു നോക്കിക്കൊണ്ടിരിക്കുന്ന ഒരു സമ്പ്രദായം നിർത്തണമെന്നുള്ളതാണ് ഈ വകുപ്പിൻെറ ഉദ്ദേശം.

Therefore I oppose Mr. Karayalar's amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. This provision was introduced by the Select Committee after mature consideration and those considerations have been placed before the House by Mr. S. Krishna Pillai. I shall therefore not take up any more time of the House in explaining them.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, Mr. Krishna Pillai in his opposition brought forward a specific instance of fraud being practised. The fraud, as pointed out by him, is a different kind of fraud from that which ordinarily gives rise to a cause of action It is not really a case of fraud because a case of fraud would give rise to a cause of action to the societies concerned. So, in such cases it would be better if provisions were made by the societies concerned and it is not proper that such provisions should find a place in the statute.

My second point is that such restriction as is sought to be placed by this clause goes against the fundamental principles of all Provident Insurance Societies because the very principle on which provident funds are based is to provide for persons in whom the policy holder is in trested.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli)*: Could not that be done by assignment?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Why should such restrictions be placed upon the freedom of the policy holders?

MR. S. KRISHNA PILLAI (*Karunagapalli*): In the case of sale of immovable properties why is it said that it should be on a registered deed? Is there any principle underlying that rule? Then there must be a similar principle in this also.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): That goes on a different principle altogether. No restriction is placed upon the nominees in the ordinary life insurance companies. With these words I press my amendment.

PRESIDENT: The amendment before the House is No. 4 to delete the following words from clause 5, sub clause (1)—

> "Nor shall any such society issue any policy in which a person other than any such relation is nominated as the payee of the money insured, occuring after "such person".

The amendment was then put to the vote of the House and lost, 4 voting for and 39 against.

The following amendments were not moved:—

Mr. S Chattanatha Karayalar: clause 5, sub-clause (2) delete

Mr. S. Chattanatha Karayalar : Clause 5, sub-clause (3) delete.

The question that clause 5 as amended do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 6.

The following amendment was not moved:—

Mr. K. P. Nilakanta Pillai: Clause 6, sub-clause (c): line 2: delete the rest of the clause after the word "thereof" and substitute the following:

> "Prescribe the proportion of the income of the Society from premiums or contributions to be so divided".

The question that clause 6 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clauses 7 to 21.

The question that clauses 7 to 21 do stand part of the Bill was then put and carried.

The clauses were added to the Bill.

Clause 22.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that.

In clause 22, line 2, the figure "21" be substituted for the figure "17".

It is only intended to correct a mistake with reference to the section referred to. The proper section should be section 21 instead of section 17.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put to the vote of the House and carried.

The question that clause 22 as amended do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 23.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). I beg to move that.

In clause 23 the figure "22" be substituted for the figure "18".

The reason is the same.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The question that clause 23 as amended do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 24

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that.

In clause 24, sub clause 1 (c) the figure "23" be substituted for the figure "19".

The reason is the same.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The question that clause 24 as amended do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 25

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I beg to move the following amendment: –

[Mr. K. P. Nilakanta Pillai.]

"Substitute for the word "five" in line 7 the word "one" and delete the word "hundred and fifty in line 8".

Sir, section 25 may apply to offences of default that are narrated in sections 18 to 21. They are offences of a petty nature. For that, if such a hard punishment is inflicted upon the offending party, that will be too hard. We can very well imagine the nature of the offences committed under section 18 to 21. Probably, the authority competent to inspect an office of the company may come for inspection on a certain day and the company is expected to be opened during such and such hours of the day. It may happen that the secretary or the manager may not be there. What is the punishment provided for? It is a fine which may extend to five hundred rupees, or in the case of continuing default, with fine which may extend to two hundred and fifty rupees for every day.

PRESIDENT: Is it not the maximum punishment?

MR. K. P. NILAKANTA PILLI (*Chirayinkil*): Yes, it is the maximum punishment.

MR. C.N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ൫൦൦ രൂപാ ഫയിൻ ചെയ്യാമെന്നും ൨൦൦ രൂപാ ഫയിൻ ചെയ്യാലും അതുകൊണ്ടുള്ള നഷ്ടം ആർക്കാണ്. മാനേജിങ്ങ ഡയറക്ടർ സ്വന്തം പണത്തിൽ നിന്നു ഫയിൻ കൊടുക്കമൊ അതല്ല ജനങ്ങളുടെ പണത്തിൽ നിന്നും ഫയിൻ കൊടുക്കമൊ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am not quite sure whether the rules of the company permit the fines to be paid out of the proceeds of the company. The Managing Directors are indirectly liable. Even for other serious offences to be committed under this Regulation, section 26 applies. They can be prosecuted before a criminal court and be punished if required. So these sections are intended to apply to two cases which have been quoted as offences of a petty nature.

I ask the question whether such an offence need be punished with a sum of more than Rs. 100. Is it not very hard? And for a continuation of the offence, Rs. 2 will be sufficient. That is my humble submission. Anyhow, this is a very rigorous clause and I do not find any justification for making such a provision in this clause. I would ask the Law Member whether there is any provision in any law similar to the one now under discussion. In the Income-tax Regulation the same provision as I suggest is made. Not only that; in the operative nature of the clause either the Managing Director or the Secretary who is knowingly a party to the default is made liable. Suppose the Secretary or the Managing Director does not take the records to the authorities. Then he will be punished.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) Has the member compared this with the Joint Stock Companies Regulation in Travancore?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The reasonableness of the amendment is quite patent. Every petty offence which may be committed will be punished up to Rs. 500. I think the maximum punishment of Rs. 200 is quite sufficient and for a continuation of it, Rs. 2 will be sufficient. Rs. 250 a day will not be within the limits of any man in Travancore. It is not intended for Travancore. It is intended probably for some person who is rolling in money. I was surprised at this provision. If one is made an accomplice in the default, I ask whether it is the intention of the authorities to punish him with the maximum amount.

MR. K. P. ABRAHAM (*Muvatipuzha* cum *Todupuzha*) : Does not the member think that punishment should be sufficiently deterrent?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : With reference to the theory of punishment, it may be deterrent or retributive as in criminal cases. We need not go into all those things. Here the registering authority is asking a person to produce a book. If the person has not produced the book, then he has to pay a penalty of Rs. 500 and for every day of default he is fined Rs. 250.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Will not a day of default allow him to make a profit of Rs. 500 ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : It may go both ways. If it is a small matter and he has to pay a penalty of Rs. 2 he may be able to pay that. If it is beyond the capacity of the man to pay he will default. Therefore, it is indirectly asking the company to wind up by punishing the Secretary or the Managing Director by such an inhuman punishment. I do not know whyRs. 100 as penalty and Rs. 2 for every day of default will not be enough. You may leave it to the discretion of the officer not to hang him. I think the maximum that I propose is quite sufficient.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencottah*) : Is not this provision intended to compel the performance of statutory duties ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I can understand the legislature to say that it never intends to punish him. As long as the case does not go to a court of law, it will be all right. Suppose a case goes to a court of law, then is it not necessary for the officer to punish him.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*); He is not compelled to impose the maximum.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Not the maximum. But is he not compelled to pay ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is he not to be tried by an officer superior to a Magistrate ? No court other than a First Class Magistrate's court shall try him. That is the provision.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is a misunderstanding. The Law member may explain that. If he is to be tried by a First Class Magistrate, then is not the First Class Magistrate equally competent to try him under the Penal Code or the Criminal Procedure Code?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): For forgery or manipulation of records, he has to answer before the Magistrate's court. Is it necessary to bring this offence under this penal provision?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member think that if a person employed in an insurance society were to be charged for forgery, he has to be punished under this Regulation or under the general penal law.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then, what is the meaning of saying "every day of default"? I do not understand that. With these words, I place the amendment before the House.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. First of all the punishment that is laid down by the clause is the maximum punishment. The court will exercise its discretion in each case as to the actual punishment to be awarded. Secondly, with regard to the challenge made by Mr. Nilakanta Pillai whether there is any provision like this elswhere, I could refer him to a similar provision in British India *viz.*, the provision in the Provident Insurance Societies Act of 1912, on the lines of which this Bill is drafted. The Section in the British Indian Act is exactly like this.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*). If this section is to be applied by the authority, who is to supervise the affairs of the company, the Registrar or the Magistrate? How is a trial contemptated without the word coviction in the clause?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The affairs will be scrutinised by the Magistrate. Even the ordinary interpretation of the provision is that he will be liable only on conviction. That means the case must go to a court of law. To make matters clear, you will find in Section 27 the provision that no Magistrate below the firt class shall try any offence.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is provided for is that if the case is to be tried by a First Class Magistrate, for every default the penalty is Rs. 250. What does it convey?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It conveys what the words clearly import.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The question of default may not arise unless he is convicted on the day he appears in the court,

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If there is no default, then the court will not convict him for default.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know further from the Law Member if in case an offence has been proved before the Magistrate, there is any provision that the offender should not be punished beyond Rs. 500.?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). He cannot be punished with a fine of Rs. 501. He can be punished only up to Rs. 500 unless there is some other provision in other laws. I may also mention, Sir, that there is a similar provision in the Travancore Companies Regulation. The penalty fixed there varies from Rs. 5 to Rs. 1000.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have nothing more to add.

The amendment was by leave withdrawn.

The question that clauses 25 to 27 do form part of the Bill was then put and carried.

The clauses were added to the Bill.

Clause 28.

The following amendment was not moved.

Mr. K. P. NILAKANTA PILLAI:

Clause 28, sub clause (4): Add the following at the end of the clause.

"Provided the legislature has approved the same"

The question that clauses 28 and 29 do stand part of the Bill was then put and carried and the clauses were added to the Bill.

Preamble.

The question that the preamble do form part of the Bill was then put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as settled now be taken up and passed at a subsequent meeting.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it. The motion was carried.

THE TRAVANCORE INSOLVENCY BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Travancore Insolvency Bill, and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it,

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I have to point out one thing about this. This is an important piece of legislation. We were anxiously awaiting the report of the Select Committe. It was only a few days ago that it was put into our hands. We had no time to study the Bill in its entirety. If the House thinks there is no urgency about this Bill and requires better consideration, I submit that the consideration of the Select Committee report may be postponed. We have already got an Insolvency Regulation. It is imperfect. And it is that that has necessitated this Bill. But with the existing Bill, we will be able to carry on some sort of bankruptcy

[Mr. S. Krishna Pillai.]

administration. It is not going to keep in any way the administration of the insolvency estate at a stand still. The imperfection will continue for some time more. Anyhow instead of trying to improve the imperfection with other imperfections it will be better to take up the matter after full consideration. Personally, I am of opinion that it is not urgently necessary. I formally move that the consideration of this Bill be postponed under Standing Order 26.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose it. Sir, the Bill is very urgently needed. As a matter of fact, it has been found that the Insolvency Regulation, against all the expectations of the legislature, is working quite contrary to what was intended. As matters stand now, it is only a weapon for fraud, which may be used by any fraudulent debtor. If the House agrees, it is my desire to proceed with this Bill as expeditiously as possible.

MR. S. KRISHNA PILLAI (*Karunagaplli*): When was the report finally drafted? And when was it published? Should we not have time to study it?

PRESIDENT: I put the question whether the Bill should be postponed or not. If it is postponed, it means that it will have to go to the new Council.

The question that the Bill be postponed was then put and negatived.

The House adjourned for lunch at 1-47 P. M. and re-assembled at 2. 30 P. M., the Deputy President presiding.

THE TRAVANCORE INSOLVENCY BILL.

The following amendments were not made:

Mr. K. P. Nilakanta Pillai:

Clause 4.

1. Clause 4, Sub-clause (1); Delete the proviso.

Clause 7.

2. Clause 7: Delete the Explanation.

Clause 9.

3. Clause 9, Sub-clause (1), part (*c*): for the words "three months" substitute the words "two years".

Clause 42.

4. Clause 42, Sub-clause (1), part (*b*): Substitute the words "two" for the word "three" in line 3.

Clause 54.

5. Clause 54, Sub-clause (1),: Substitute the word "two years" for the words "three months" in line 7.

Clause 84.

6. Clause 84: Delete the clause,

Clauses 1 to 84.

The question that clauses 1 to 84 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

The Preamble was then put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as settled by the Council be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried.

THE TRAVANCORE CHITTIES REGULATION AMENDMENT BILL.

DEPUTY PRESIDENT: Dr. Kunjan Pillai was addressing the House on the last occasion when we were discussing the Bill. He will now continue.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): If I remember right, Sir, I referred to the observations of some members that already there was provision for the postponement of chitties, in the present Regulation itself and that therefore the Regulation need not be amended for that purpose. Anyhow, Sir, if that be so, it clearly show that the principle of the Bill before the House does not go against the principle of the Regulation now in force.

Sir, in the course of the evidence that was collected by the Economic Depression Enquiry Committee, doubt was expressed by several witnesses about the possibility of chitties being postponed under the existing Regulation. The main object of the present Bill is, I think, to clear that doubt and to make a specific provision enabling the postponement of chitties. The question as to what proportion of the subscribers should agree for the postponement if it is to be given effect to is a matter of detail. The Law Member has provided that a majority of two-thirds, *by number*, of the subscribers should suffice for the chitty being postponed. Some of my friends on the other side want a three-fourths majority, *by value*, to be insisted upon. Whether it should be two-thirds or three-fourths, whether it should be by number or by value, it is all a question of detail. I may say that the majority of witnesses examined by the Economic Depression Enquiry Committee were in favour of a majority by number rather than by value. The reason they gave was this. In most chitties, the subscribers would be scattered all over the country and they might be indifferent to meetings, convened by the foremen for the purposes of postponement, even if they were given timely notice. They may, in most cases, even foreget all about the meeting. Many might not turn up for the meeting which is to decide whether the chitty is to be postponed or not. The result would be that a few interested subscribers may carry their object for the mere reason that they happen to be owners of three-fourths of the value of the chitty. On the other hand, if a majority by number is

[Rao Sahib Dr. N. Kunjan Pillai.]

insisted upon, postponement cannot take place unless most of the subscribers actuallly attend the meeting and give their assent to the postponement. Further, as the Chief Secretary tells me, it is doubtful whether the present Regulation allows voting by proxy. Even if it allows it, very few people will take advantage of the provision. The object of the provision now under consideration is to enable the foreman to give a chance to the subscribers to meet together and decide whether the chitty should be postponed or not; and the Law Member has provided that the chitty can be postponed by a majority of two-thirds, in number, of the subscribers.

MR A. NARAYANA PILLAI (*Vaikam*): ചിട്ടിപിടിച്ചവരെസംബന്ധിച്ചോ പിടിക്കാത്തവരെ സംബന്ധിച്ചോ ഇപ്പോൾ പറയുന്നത്?

RAO SAHIB DR. N. KUNJAN PILLI (*Census Commissioner*): I will come to that point presently.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Or, was it only a represention made by the foreman?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): The witnesses who gave evidence consisted mostly of subscribers; and as I said on the last occasion, the witnesses who gave evidence against the postponement happened to be, mostly, lawyers. I do not know why.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does that class exclude either the foreman or the subscribers?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Probably they were subscribers. I know for a fact that they were lawyers. I do not know whether they were subscribers or foremen.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Perhaps, they were not questioned on that matter?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): They were not.

A large majority of the witnesses were for postponement, and, I hold, Sir, that postponement is as advantageous to the non-prized subscribers as it is to the prized subscribers. This is my reason. Let us take the case of a chitty of 20 tickets, owned by 20 subscribers, of which 10 have been prized and 10 have not been prized. During the one year for which the chitty is to be postponed, ordinarily, 2 of the non-prized subscribers can prize their shares. But, now, on account of the depression, which is the main cause of the present Bill, even if they prize their shares they cannot hope to get money in the near future: and the remaining eight will, any way, have to continue to pay their subscriptions which it is admittedly very difficult for them to do in these days. And, if they do not pay in time, under the *variola* they could get the money already paid only at the termination of the chitty, and that without interest. Provision is made in the Bill for the payment of interest by the prized subscribers and this will be distributed among non-prized subscribers. The Bill is, therefore, advantageous to the prized as well as to the non-prized subscribers.

Mr Govindan said that many of the chitties were working satisfactorily. I think, Sir, he is speaking of chitties in towns where

most of the subscribers are either Government Officers or rich professional men. In the rural parts, most of the chitties, not less than 75 per cent. of them, have collapsed.

All things considered, it is only fair that some facilities are given to the foremen and to the subscribers to come to a decision as to whether it is necessary to postpone their chitties or not. If, by a majority, they decide that the chitty must be postponed they must be allowed to do so. I therefore support the principle of the Bill.

MR. S. KRISHNA PILLAI (*Karunagapalli*) Is it the member's opinion that postponement may be allowed with the consent of a majority of two-thirds *by number*?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): That is my opinion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member realise that the provision in the Bill refers only to two-thirds of the subscribers present?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I have explained that. It will not be possible for all the subscribers to attend the meeting. Hence the provision.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So that if out of 10 or 12 subscribers, for instance, only 3 are present, 2 of them can postpone the chitty?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): If after receiving a notice of the meeting specifying its object only 3 out of the 10 or 20 subscribers attend it the rest must be bound by the decision of the two out three present.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So, the member is of opinion that sufficient safeguards must be provided for the proper service of notice?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): You can make any provision you like with regard to that.

MR. K. GEORGE (*Chief Secretary to Government*): What about attendance by proxy?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): You can make provision for that also.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What was the report of the President of the Economic Depression Enquiry Committee on this question?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I have not got the report of the Committee with me just now. We argued both sides of the question.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member aware of representations made in the Assembly that chitties should not be postponed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I am not aware of any such representation?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): Is the member aware that a similar provision has been made in Cochin?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Yes; I read of it in the papers.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, in making a few observations on the principle of the Bill I wish to make one or two suggestions.

With regard to the postponement of chitties, as was observed by Dr. Kunjan Pillai, I think it will benefit the non-prized subscribers also. The non-prized subscribers can be prejudicially affected only if they are in a minority, because only a majority can postpone the chitty. Even if the chitty is not postponed, as was pointed out by Dr. Kunjan Pillai, only one or two of the subscribers can bid and they may not get the prize money. The others will have to pay. For the sake of a few we cannot forget the general economic condition in the country. In the interest of the larger section of the people and of our economic stability, I think it is better that we make a clear provision for the postponement of chitties.

With regard to the kurichitties, in the case of those that have already been started, money has been collected by the organisers, and they have the money now. It is not proper that we enact a measure which would prevent them from distributing the money they have collected. Provision may therefore be made that in the case of moneys already collected, the organisers may be allowed to continue the chitties so that the subscribers may not be unnecessarily deprived of their chances of winning prizes.

With these words, I support the main principle of the Bill.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : I am of opinion that the bill must be supported in its entirety. As regards postponement of the chitty it has been mentioned in the statement of objects and reasons that it was at the instance of the Economic Development Board that the suggestion was taken by the Law Member and that was especially in view of the prevailing economic distress. This economic distress is not particularly affecting a particular section of the people. It equally applies to a foreman, prized subscriber or non-prized subscriber. The prized subscribers would ask for a postponement of the chitty if they get only a majority which is possible only at the close of the chitty. As far as the non-prized subscribers are concerned, they could get a majority. Their opinion of course is not always in favour of postponement of the chitty so that the argument that the foreman at his own instance would ask for a postponement of the chitty cannot always hold good.

So far as the kurichitties are concerned, I am firmly of opinion that it must not be encouraged. The transactions carried on by them are mostly in the nature of gambling transactions, and are against public policy. It is now high time that the Legislature must step in and declare these kurichitties illegal. With these words I support the Bill before the House.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : I am one of those people who believe that *it is better late than never*. It is very necessary to find a case for the depression that is prevailing in the country, as early as possible. Even in Karkatakam 1106 I brought to the notice of the

House that postponement of chitties is absolutely necessary. Since then, depression has not improved. It has not in any way changed. The other States have passed legislation postponing chitties so as to enable the people of those States to tide over the difficulties and it is therefore up to us, at least now, to take up the question and pass legislation which would enable the foreman to postpone chitties.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : May I know from the member whether we have not familiarised ourselves with the depression that is now prevailing and made the necessary adjustments?

MR. K. GOPLAKRISHNA PILLAI (*Parur*) : If I am permitted by the Chair to say a word about the economic depression now prevailing in the country I shall answer my friend. I say this because I may be ruled out of order at any moment. We cannot get ourselves accustomed to the conditions at present. I cannot say that we have ourselves made economic adjustments. It is growing daily and we are becoming worse from day to day. Those who live in towns, especially in the capital of the State, cannot realise how difficult it is for people in the mofussil to get on in their ordinary life. In towns a good amount of money is being drawn out from the Treasury and is exchanged between the manufacturer and trader and men who own raw materials. But in country parts lack of money prevents people from paying anything. Only those who live in the capital receive the money from the treasury and say that depression has disappeared and that times are better. If you want to have a correct idea of the situation you must go away from the capital to the mofussil and learn from the villagers about the sufferings undergone by them. Chitties are being conducted by townsfolk everyday and they are collapsing. Similarly such things happen in village parts also.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Is it not a fact that the sense of obligation has increased between the persons of the town and the village in regard to the chitty transactions?

MR. K. GOPLAKRISHNA PILLAI (*Parur*) : If times improve they will be able to meet their responsibilities. Kurichitties are a perfect nuisance. Foremen get money by deceipt and misrepresentation from the poor people; my opinion is that such chitties should be stopped at once. With these words I support the motion.

MR. A. NARAYANA PILLAI (*Vaikam*). ഈ ബില്ലിന്റെ തത്വത്തെ ഞാൻ അനുകൂലിക്കുന്നു. ചിട്ടിയുടെ കാലാവധി മാററാമെന്നു വ്യവസ്ഥയുണ്ടായാൽ പിടിക്കാത്ത ചിററാളന്ന് അതുകൊണ്ടു യാതൊരു ലാഭവും ഉണ്ടാകയില്ല. ഈ പുതിയ ബില്ലിൽ പിടിച്ച ചിററാളരിൽ നിന്നും അരപ്പണം വീതമുള്ള പലിശ ഈടാക്കി അതിനെ പിടിക്കാത്ത ചിററാളുകൾക്കു വീതിച്ചുകൊടുക്കണമെന്നു പറയുന്നുണ്ട്. ഇതു പിടിക്കാത്ത ചിററാളന്മാൎക്കു വലിയ രക്ഷയാണ്. ഇതു കൂടുതൽ പ്രയോജനകരവുമാണ്.

[Mr. A. Narayana Pillai.]

മാസം തോറും പിരിച്ചു വരുന്ന ഒരുതരം കുറിച്ചിട്ടികൾ ഇപ്പോൾ നടന്നു വരുന്നുണ്ട്. പത്തും പന്ത്രണ്ടും മാസം ഈ വിധത്തിൽ പണം പിരിച്ചശേഷം ചിററാളനു പണം കൊടുക്കാതിരുന്നാൽ മുമ്പന്റെ പേക്ക് ഒരു ചിററാളൻ അന്യായം കൊടുത്തു. ഈ വിധത്തിലുള്ള ചിട്ടികൾ സാധുവാണെന്ന ഒററ കാരണത്താൽ സിവിൾ കോടതിയിൽ പണം കൊടുത്തില്ല അതിനാൽ ക്രിമിനൽ കോടതിയിൽ പോയി നിവൃത്തിയുണ്ടാക്കാമെന്നു വിചാരിച്ചു ക്രിമിനൽകേസ് കൊടുത്തു. ഈ സംഗതിക്ക് അവിടെയും നിയമം ഇല്ല. സിവിൾ കോടതിയിൽ പോയാൽ പണം തിരിയെ കൊടുക്കേണ്ട. അങ്ങനെ കൊടുക്കാതിരുന്നാൽ ക്രിമിനൽ കോടതിയിൽ ശിക്ഷയും ഇല്ല. ഇങ്ങനെ രണ്ടു കോടതികളും നയിക്കുവാൻ നിവൃത്തിയില്ലാത്ത ഈ തരം കുറിച്ചിട്ടികളെ നിയന്ത്രിക്കുന്നതിന് എത്രയും വേഗത്തിൽ ഒരു നിബന്ധന ഉണ്ടാക്കി വയ്ക്കേണ്ടതു് അത്യാവശ്യമാണെന്നു പ്രസ്താവിച്ചു കൊണ്ട് എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. S. CHATTAHATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Sir, section 52 is a new section. I cannot agree to the principle of postponement, if it does not benefit all classes of people concerned. In chitties there are prized and non-prized subscribers. If by postponement it will benefit both these classes of people, I would unhesitatingly support the principle underlying that. From the discussions we have had, it is clear that, at any rate, there is difference of opinion as to whether such postponement would be for the benefit of non-prized subscribers. Evidently, it is for the benefit of prized subscribers. As for the benefit of the non-prized subscribers, it has become a problem and there is clear divergence of opinion on the point. Even apart from that, as was suggested by some of the members of the Economic Depression Enquiry Committee which advocated the postponement of the chitties, it is high time that we adjust our finances to suit the conditions prevailing in the country. We must, as resonable men, be deemed to have adjusted our demands and other things to suit conditions. I do not agree to the principle involved in Section 52.

As for the principle involved in Section 53, which relates to kurichitties I would say that the kurichitties are transactions in the nature of lotteries. The principle on which lotteries are prohibited ought to apply equally well to the kurichitty also. As I understand it lotteries beget a spirit of speculation or gambling which is productive of evil consequences to the community at large. A similar spirit is begotten by kurichitties. For example, there is an advertisement which says that a prize of 10,000 rupees can be had for 8 annas. Will it not produce the same effect on the mentality of people as the advertisement of a lottery? So, we should certainly raise our protest

against such transactions and ought not to give legislative sanction for such transactions.

Transactions of the nature of kurichitties are already void under the existing law. If we do not give sanction to the proposed amendment we would only be giving sanction for the continuance of these transactions. We will be, however, moving in the right direction if we implement the provisions of the bill already existing by enacting a measure of this kind. With these few words I support the principle involved herein.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): I would support the motion with a few reservations so far as provisions relating to kurichitties are concerned. The kurichitties already existing and which have not been prized should not be affected by the present amendment bill. Some of the previous speakers have given the reasons why such an enactment should not be passed. The only point I would suggest now is that though these transactions, even according to the existing legislation, are treated as void, so long as they have not been made illegal the poor subscribers who are unknowingly entering into transactions with expectations of making some benefit out of them should not be so deplorably disappointed as to get nothing out of such transactions. Even in Provident Insurance Bill the time given is six months, for depositing money. That provision may be extended to the existing kurichitties so that the chitty managers may get the benefit of closing up their concern at least within the period of six months. If some such provision is enacted and if some safeguards relating to kurichitties are added in the amending bill, I have no objection to give my consent to the motion before the House.

So far as the provision regarding extending the term of chitties proper for one year is concerned I have no serious objection to that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Government could postpone the period from time to time. That is the provision laid down in the Bill. Is it the member's view that only one extension alone is to be granted by Government to a foreman for postponing his chitty?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): In view of the economic depression it is possible that Government may take the initiative in regard to postponement in the matter.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Is there any depression now?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): It conitnues even now.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose the present depression does not come to a close this year or for that matter within the next ten years, is it the member's opinion that the chitties may be postponed for ten years?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): There is a porvision made in the bill that if two-thirds of the number of subscribers present at the meeting decide to postpone the chitty, it may be so done,

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): After postponement for one year, is it necessary again to get the agreement of the chitty subscribers for further postponement, or can the Government postpone it?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Subscribers must come to some definite agreement as regards postponement. That is all my point.

MR. A. THANU PILLAI (*Trivandrum*): Is it not likely that depression may deepen hereafter?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): So far as conditions at present are concerned, depression is not likely to disappear. At east for two or three years, conditions will not improve.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): What is the basis for that statement?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): My own experience.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Does not the law vest the discretion in Government either to postpone or not to postpone after the first year? Is it obligatory on the part of Government to extend it after one year?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): It is not obligatory.

MR. S. KRISHNA PILLAI (*Karunagapalli*): In a matter like this, is it necessary that discretion should be vested in Government to postpone chitties?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*); It is left to the discretion of two-thirds of the number of subscribers present at the meeting.

MR. RAMA VARMA RAJA (*Edavagai*): ചിട്ടിക്കു കാലാവധി നീട്ടിക്കൊടുക്കാമെന്നുള്ള അഭിപ്രായത്തെ ഞാൻ എതിർക്കുന്നു. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ കരയാളർ പറഞ്ഞതുപോലെ ചിട്ടിക്ക് എക്സ്റ്റൻഷൻ കൊടുക്കുന്നതുകൊണ്ടു പിടിക്കാത്ത ചിററാളുകൾക്കു യാതൊരുഗുണവുമില്ല. ക്ഷാമംകൊണ്ടു പണം പിരിയാത്തതിനാലാണ് എക്സ്റ്റൻഷൻ വേണമെന്നു പറയുന്നത്. എന്നാൽ പിടിക്കാത്ത ചിററാളർ വച്ചിരിക്കുന്ന പണത്തിനു യാതൊരു പലിശയും കിട്ടുന്നില്ല. പിടിച്ച ചിററാളരിൽ നിന്നും അരപ്പണപലിശ ഈടാക്കി പിടിക്കാത്തവർക്കു വീതിച്ചുകൊടുക്കണമെന്നാണ് ഇപ്പോൾ ബില്ലിൽ നിശ്ചയിച്ചിരിക്കുന്നത്. അങ്ങനെ കിട്ടുമെങ്കിലും അതു വളരെ തുഛമാണ്. ആ പലിശ, വച്ച പണത്തിനു പ്രതിഫലമായിവരികയില്ല. കുറെമുമ്പ് ലൈഫ് ഇൻഷുറൻസ് കമ്പനിയെ സംബന്ധിച്ചു ഇവിടെ വാദപ്രതിവാദം നടന്നപ്പോൾ ഒററരൂപാ കൊടുത്ത എത്രയോ ആളുകൾക്ക് അതു നഷ്ടപ്പെട്ടതായിപറഞ്ഞു. അതിനു പ്രതിവിധി സമ്പാദിക്കാനായി ശക്തിമത്തായ ചില ഏർപ്പാടുകൾ ഉണ്ടാക്കിവച്ചു. ചിററാളൻ മാസംതോറു

പത്തും ഇരുപതും മുപ്പതും രൂപാവീതം ചിട്ടിക്കു വയ്ക്കുന്നുണ്ടു്. ആളുകൾക്ക് അരപ്പലിശ ക്രമത്തിനു പിടിച്ചു ചിററാളരിൽ നിന്നും ഈടാക്കി കൊടുക്കാമെന്നു പറയുന്നതുകൊണ്ടു യാതൊരു പലിശയും കിട്ടുകയില്ല. അതുകൊണ്ടു് അതിനെ തടയാതിരിക്കുവാൻ നിവൃത്തിയില്ല. ഗവണ്മെൻറനുവാദത്തോടുകൂടി, ആവശ്യമുണ്ടെങ്കിൽ കാലസംഖ്യ പിന്നെയും നീട്ടാമെന്നു് പറയുന്നുണ്ടു്. അങ്ങനെയുള്ള ഗവണ്മെൻറനുവാദം ആരുടെ അടുത്തുനിന്നും മേടിക്കണമെന്നുള്ളതു് എനിക്കു മനസിലാകുന്നില്ല. അതിനാൽ ഗവണ്മെൻറനുവാദം വാങ്ങിക്കേണ്ടതു് ആരോടാണെന്നുള്ള വിവരം ലാമെമ്പർ പറഞ്ഞു മനസിലാക്കി തരണം. ഇപ്പോഴത്തെ സാമ്പത്തികാധഃപതനം കൊണ്ടു ചിട്ടി മാററി വയ്ക്കാമെന്നുവച്ചാൽ അടുത്ത ഒരു കാലത്തു് ഈ സാമ്പത്തികാധഃപതനം തീരുമെന്നു വിചാരിക്കാൻ ന്യായം കാണുന്നില്ല. അപ്പോൾ പിന്നെയും പിന്നെയും ചിട്ടി നീട്ടിക്കൊണ്ടു പോകേണ്ടിവരും. അതിനാൽ ചിട്ടിയുടെ കാലാവധി നീട്ടിക്കൊടുക്കണമെന്നുള്ള അഭിപ്രായത്തോടു ഞാൻ യോജിക്കുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI *(Additional Head Sirkar Vakil)* : Sir, as I said at the very outset, the Bill involves two distinct principles, having no connection with each other. One is with regard to the postponment of chitties the special provisions devised for the postponement of chitties if the majority vote is in favour of it I know that there is a wide difference of opinion with regard to this not only on the other side of the House but also on this side. Havin regard to that fact, on that principle, the official members will vote according to their own personal convictions.

In regard to the other, it seems to me, that it is a matter in which there can be no difference of opinion. As the law stands to day, the transactions in question are void. The only question is whether void transactions should be allowed to be conducted with impunity. Presumably, one predominent reason for the existence of these void transaction today is that there is no penal clause in the Regulation. All that I propose is that a penal clause should be added. What those void transactions are are given in the Regulation itself and I am prepared to accept the section in the Regulation. I want only a penal clause.

DEPUTY PRESIDENT : The motion before the House is whether the principles of the Bill should be accepted by the House or not. Considering that the amending Bill involves two principles which are entirely distinct from each other, I think it is desirable that votes are taken separately as regards each of these points and afterwards the whole motion as regards the amending Bill will be placed before the House, of course, omitting any of the points on which the majority of the House, has voted against and then proceed to adopt the procedure laid down in rule 72 of the Council Rules.

[Deputy President]

I would now desire you to consider the first portion of the Bill, that is as regards the postponement of chitties.

MR. RAMA VARMA RAJA (*Elavagni*) ഇതു രണ്ടും പ്രത്യകം പ്രത്യകമായിട്ടാണൊ വോട്ടിനിടുന്നതു്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതെ.

The principle contained in the first portion of the Bill was put to vote and the House divided as follows :—

AYES—18.

1. Mr. K. P. Abraham	10. Mr. Tariatu Kunjitomman
2. ,, K. C. Chandi	11. ,, K. P. Madhavan Pillai
3. ,, A. S. Damodaran Asan	12. ,, M. P. Madhavan Pillai
4. ,, K. Gopalakrishna Pillai	13. ,, M. N. Narayana Menon
5. ,, K. C. Karunakaran	14. ,, A. Narayana Pillai
6. ,, K. I. Kocheeppan Mappillai	15. ,, K. P. Nilakanta Pillai
7. ,, K. P. Kochukora Tarakan	16. ,, R. Dhanukoti Pillai
8. ,, K. Krishnan Nayar	17. ,, K. George
9. ,, N. K. Krishna Pillai	18. ,, Rao Sahib Dr. N. Kunjan Pillai

NOES 15.

1. Mrs. Anna Chandi	9. Mr. A. Thanu Pillai
2. Mr. S. Chattanatha Karayalar	10. ,, A. Kumara Pillai
3. ,, N. John Joseph	11. ,, C. O. Madhavan
4. ,, S. Krishna Pillai	12. ,, B. Narayana Pillai
5. ,, K. Kunjukrishna Pillai	13. ,, N. Nilakanta Pillai
6. ,, P. S. Mahomed	14. ,, R. Nilakanta Pillai
7. ,, K. Padmanabha Panikkar	15. ,, C. N. Srirenganatha Sastri
8. ,, Rama Varma Raja	

NEUTRALS—4.

1. Mr. E. G. McApline	3. Mr. S. C. H. Robinson
2. ,, Kayalam Paramesvaran Pillai	4. ,, J. S. Westerdale

The principle was declared carried, 18 voting *for*, 15 *against* and 4 remaining *neutral*.

DEPUTY PRESIDENT : So that principle is accepted.

The next point for consideration is as regards kurichitties, whether the principle laid down in the amending Bill is acceptable or not.

The motion was put to the vote of the House and passed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) I demand a poll.

A poll was taken and the House divided as follows :—

AYES.—32.

1. Mr. K. P. Abraham
2. Mrs. Anna Chandi
3. Mr. K. C. Chandi
4. ,, S. Chattanatha Karayalar
5. ,, A. S. Damodaran Asan
6. ,, K. Gopalakrishna Pillai
7. ,, M. Govindan
8. ,, N. John Joseph
9. ,, K. C. Karunakaran
10. ,, K. P. Kochukora Tarakan
11. ,, K. Krishnan Nayar
12. ,, N. K. Krishna Pillai
13. ,, K. Madhavan Pillai
14. ,, K. P. Madhavan Pillai
15. ,, M. P. Madhavan Pillai
16. ,, A. Narayana Pillai
17. ,, K. P. Nilakanta Pillai
18. Mr. K. Padmanabha Panikkar
19. ,, A. Thanu Pillai
20. ,, R. Dhanukoti Pillai
21. ,, K. George
22. ,, A. Kumara Pillai
23. ,, Rao Sahib Dr. N. Kunjan Pillai
24. ,, C. O. Madhavan
25. ,, E. G. McAlpine
26. ,, B. Narayana Pillai
27. ,, N. Nilakanta Pillai
28. ,, R. Nilakanta Pillai
29. ,, Kayalam Paramesvaran Pillai
30. ,, S. C. H. Robinson
31. ,, C. N. Srirenganatha Sastri
32. ,, J. S. Westerdale

NOES—3.

1. Mr. S. Krishna Pillai
2. ,, K. Kunjukrishna Pillai
3. Mr. Rama Varma Raja

NEUTRAL 1.

1. Mr. P. S. Mahomed

The principle contained in the second part of the Bill was declared Carried, 32 voting *for* 3 *against* and 1 remaining *neutral*.

DEPUTY PRESIDENT : The principle of the amending Bill has been accepted by the majority of this House.

The Secretary to the Council then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move that the Bill be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, I oppose the motion.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : Need not the Standing Order be taken into account?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Only if anybody *opposes*, I think.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I oppose it.

DEPUTY PRESIDENT : Standing Order 73 requires that the Bill should be moved for being taken into consideration on the expiration of 15 clear days. But there is also provision which allows the President to suspend the above rule. Under the circumstances, I do so.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, I oppose the motion made by the Law Member and propose that the Bill be committed to a Select Committee. May I not speak a few words?

DEPUTY PRESIDENT : Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): It would appear that although this House has accepted the principle involved in the Bill by a majority of votes it is certainly not clear whether it is such an overwhelming majority which approved of a course under which the Bill can be taken up for second reading without the report from a Select Committee to which the Bill has to be referred. In regard to the principle contained in the first part, the Law Member declared that the official members were at liberty to vote in accordance with the conviction of their conscience and we find that the principle was accepted by a very small majority of 18 votes against 15. That, I suppose, is not such an overwhelming majority as to justify a Bill being rushed through this House without its principle being considered by an expert body and without this House being put in possession of a report of that body.

In regard to the second proposition the question put was whether the principle contained in it might be accepted and it was found that only three or four persons stuck on to their opinions which they held at the time this matter was debated upon. Even as regards those who supported the principle contained in the Bill and from what I have been able to gather from the speeches made by them the principle that they support is that kurichitties should be prohibited hereafter and not that the kurichitties that have already been started, conducted, or pushed through half-way and in which several instalments have already been drawn should be prohibited. All that the majority was of opinion, to me it appears, was that kurichitties shall not hereafter be started and conducted. I attempted to impress upon this house the injustice that will be brought to bear upon the public of the State if chitties that have already been started are penalised. I also sought to emphasise that an action which was not penalised at its inception should not afterwards be penalised. That will be contrary to the accepted principles of legislation and therefore I said and several of my friends said, that only kurichitties started and conducted hereafter should be penalised. We all agreed on that. But in regard to the penalty that has to be imposed upon kurichitties that were already started we disagree. Even my friend Mr. N. K. Krishna Pillai said that he did not accept the principle of the Bill to this extent but when the voting came he voted for accepting the principle because there was a small principle that could be accepted and two or three of us did not vote for it, because it is a fact that a principle we do not accept in its entirity should not be accepted at all. The member in charge of a Bill may have his own likes and dislikes. But that is not a criterion for which the Bill shall be rushed through in this House. We ought to be given sufficient time. The Legislature provides for an expert body to advise us. Although there are only two sections in the Bill it will be found that the two sections cover nearly two pages of printed matter and they contain various details. My own impression is that it is not proper to say

that after all this is a small piece of legislation and does not require much consideration. As we proceed, if my motion for commital of this Bill to a Select Committee is to be thrown out, we will find that the Bill involves not only one or two principles but more than a dozen principles. We will find that every paragraph refers to two or three principles which have to be debated upon. Therefore, Sir, I move that the Bill be referred to a Select Committee. Of course, I do not say that the Select Committee should take its own time to submit its report and that we should wait for a sitting of the new Assembly. I suppose that it is enough if a couple of hours' time is granted to an expert body of this House. They may discuss the draft Bill and the Bill may be taken up for consideration on the next day. The Select Committee may submit its report, say, tomorrow or the day after and it is only fair that we are given such a chance to discuss this Bill.

C1 **MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): When is the time for the second reading?

MR. S. KRISHNA PILLAI (*Karunagapalli*): On Monday or Tuesday the Bill may be discussed. At any rate, want of time for a debate or discussion should not be a reason urged for rushing through the bill, the principle of which is vehimently contested.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The principle of the Bill has already been accepted by the House.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I think that the principle has been sufficiently emphasised though it has been agreed to. The first principle has been accepted by this House by the majority of three votes and the second as I said, by a large majority. We are all agreed that all future kurichitties should be penalised.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it the opinion of the member that the opinion of the majority of this House does not carry that weight which the majority generally carries?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am not making any general statement in regard to that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum (*Kartikapalli*): Has the member sent in amendments?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes; but does the member think that if those amendments are discussed then the Bill can be put into an acceptable form? I have sent up those amendments in great haste.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Those amendments can be considered by theHouse.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I can certainly withdraw those amendments if my friend will vote with me. The fact that I have sent in amendments should not stand in the way of my friends supporting me.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Could not the difficulties which the member finds in the Bill be remedied by moving those amendments?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I have my own diffidence in regard to this matter. I do not think any amendment hastily drawn up will convey the full meaning which I would have given if I were given sufficient time to word the amendment. It is as hastily drawn up as any motion made here and is in keeping with the rush that we are going to have with regard to this Bill. If members of the House had sufficient time in discussing the Bill, I am sure they will come to different conclusions in regard to several of the principles contained in these sections. I therefore propose, Sir, that the Bill be committed to a select committee.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, I second the motion. This is a Bill of which even the mover is not enamoured. While voting on the first portion of the Bill it is noteworthy that the mover of the Bill did not vote for it. That shows what clear difference of opinion there is with regard to the propriety of passing this Bill into law.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Does it not then mean that without even the votes of the official members there is difference of opinion ?

MR. A. THANU PILLAI (*Trivandrum*) : With regard to the first point, the official votes count; unlike in the case of other bills because they are allowed to vote according to their individual discretion.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Therefore the point is whether the vote exercised in regard to this Bill is not more valuable than in regard to other matters.

MR. A THANU PILLAI (*Trivandrum*) : The vote in this case is as valuable as it ought to be. Whenever motions like this are brought in official members ought to be allowed to vote as they like. Unfortunately that is not done. The official vote has no peculiar value. We found that there was a very sharp and very clear difference of opinion. Even though the Bill consists of only 4 or 5 clauses, I think some of those clauses have to be considered in detail, and more than one amendment will have to be gone into minutely and considered. Even if we proceed with it, I do not think we will be able to see the end of it to-day. For my part, if this could wait for some time, that will be better. I do not know why it should be rushed through now. If the Select Committee should be called upon to submit its report in two days the Bill can be passed in this session itself. I would go even further and say that if it is not found possible, we must allow the Bill to wait for the next opportunity. I am strongly of opinion that this is a matter which ought to go before a Select Committee.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is not the Bill more or less an emergent measure due to the economic depression ?

MR. A. THANU PILLAI (*Trivandrum*) : There is considerable difference of opinion with respect to that. In this connection, I may also refer to the fact that many of the seats are vacant. Altogether the voting was taken part in by only 33 members out of a House consisting of 50. Of course, those that hold that the Bill is necessary are of

opinion that it is dictated by economic depression of a particular nature. But the others equally emphatically assert the view that it is detrimental to the economic interests of the State. We should consider it in detail. No doubt, the principle should be made for postponing the chitties that the provision is accepted by the House. But what should be the proportion? Is it dependent on the number of subscribers, the value of tickets held and the length of time? All these matters have to be gone into in detail. These are bound to take time. If the matter can wait till now, I do not know why it should be rushed through in an hour's time. It is a matter affecting the interests of subscribers of every stage. Large interests are involved and we are going to deal with a matter affecting the State generally. We find there is a cleavage of opinion even in this House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It does not follow that we should appoint a touring committee?

MR. A. THANU PILLAI (*Trivandrum*): It does not follow that we should appoint touring committees.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the member agreed in regard to every other principle than that of fixing the proportion?

MR. A. THANU PILLAI (*Trivandrum*): There is difference of opinion in regard to all these. I do not think the matter can be rushed through now. I think therefore that the Bill ought to go to a Select Committee.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): The member's opinion is only in regard to the postponement?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, with regard to the specific motion for the committal of the Bill to a Select Committee, I do not think any case has been made out for rushing through this piece of legislation without allowing the Select Committee to look into the Bill minutely and suggest necessary changes. Sir, I was very much surprised to hear some of the members entertaining the fear that if there is no time for the select Committee being appointed a Bill cannot be got through; I do not know whether that could be a just consideration for rushing through this Bill.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What was the consideration in regard to the Jenmi and Kudiyan amendment Bill which had to be compromised?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I thought my friend Mr. Nilakanta Pillai, was in this House and has understood what difference there was. The difference was not that the Bill will not be taken up in this session but that there was want of time to consider it sufficiently. The question is whether this Bill should be minutely looked into. This Bill is not going to be lost.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): No Bill will be lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes. There was the apprehension that if we do not get through that part of the amendment of the Government, Government may not take up the responsibility of bringing it.

MR. P. S. MAHOMED (*Nominated*) : ജന്മികടിയാൻബില്ല് ഇവിടെ കൊണ്ടുവന്നിട്ട വളരെക്കാലമായി. എങ്കിലും അതു പാസ്സായികിട്ടിയില്ലേ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : അതുകൊണ്ട് ഈ ബില്ലിനേയും അത്രയുംകാലം ദീർഘിപ്പിക്കണമെന്നില്ലല്ലോ.

The only point for consideration is whether this piece of legislation has had time for full consideration by the House, whether we were able, in the pressure of business that we had, to bestow the consideration that any piece of legislation ought to have at our hands. The prejudices with regard to particular opinions should not blind the members to the fundamental position that they ought to take that any piece of legislation that passes through this House should be considered carefully by this House. What is the urgency for suspending the ordinary course of business by the exercise of extraordinary powers?

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : If this Bill is not passed into law in this session, could the member expect it to become law within a period of six months?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes, it could be.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : How?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Government can call together another session. Or the new Legislative Assembly can be got into existence soon. I do not think that because we cannot pass a legislation after careful consideration in this House at once we should give our sanction to any piece of legislation. The question is whether we should give sanction to that which we have not studied carefully. If the member was in possession of the House, I would have asked him whether he had sent in any amendments (*interruption*). That is the difficulty with regard to that. So, Sir, I think this is a matter which the House has to consider. Have we time to consider the matter? Is this not a matter which ought to be considered as it affects a large body of people? Should it not be considered very seriously and minutely? Should the House lightly say that Standing Orders should be suspended? (*Interruption.*) I do not think sufficient time has been given to the consideration of this measure.

DEPUTY PRESIDENT : The question before the House is whether it ought to be referred to a Select Committee. There has been a ruling from the Chair that the Standing Orders have been suspended. I do not know whether any remarks about that are in order.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I beg your pardon, Sir I did not make any remarks about the suspension.

DEPUTY PRESIDENT : There was a remark. The only point before the House now is whether the Bill ought to be referred to a select committee. You ought to proceed on that. The sense of the House may be taken on that point. But you were referring to the suspension of the Standing Orders. I do not know whether that is in order.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I must make myself clear. I stated that as a matter of fact. I think the Standing Orders have been suspended. It is only a statement of fact—not that I questioned it.

DEPUTY PRESIDENT : But the way in which it was stated—

MR. K. KUNJUKRISKNA PILLAI (*Quilon*) : I make myself clear. It was only as a statement of fact.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : He said that it is an extraordinary course. The member even made reflections on the Chair.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I do not hear my friend.

DEPUTY PRESIDENT : You may proceed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Even with regard to the first principle of this Bill, though that principle is accepted, there is considerable difference of opinion. With regard to the second principle, *viz.*, whether kuri-chitties started and conducted hereafter should be penalised, there was considerable difference of opinion even among the people who voted for the acceptance of that principle. For example, Mr. N. K. Krishna Pillai very rightly pointed out that the chitties that have already come into existence should not be penalised. He voted for the general principle. That could be understood. So, there is considerable difference of opinion even with regard to that.

MR. RAMA VARMA RAJA (*Edavagai*) : ഈ എക്സിസ്റ്റൻസ് എന്നു പറയുന്നതു് എപ്പോൾ മുതല്ക്കാണ്. എന്നുമുതൽ തുടങ്ങുന്ന ചിട്ടിയെയാണ് അതു് ബാധിക്കുള്ളു്.

MR K. KUNJUKRISHNA PILLAI (*Quilon*) : ഇപ്പോൾ നടന്നുവരുന്ന ചിട്ടിയെ സംബന്ധിച്ചാണ് പറഞ്ഞിട്ടുള്ളതു്.

I think, Sir, that within the short space of time available to us we were not able to sent up amendments.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is there any other Bill for which the member wanted to sent up amendments?

MR. K. KUKJUKRISHNA PILLAI (*Quilon*) : I do not want to answer my friend. He is in a mood to put irrelevant questions.

Sir, sufficient time has not been given us to sent in amendments to let the House approve of a piece of legislation after considering seriously all the aspects of the question. Let us give our approval after a full consideration and after all opportunities for discussion have been exhausted. So I second the motion for committal to a Select Committee.

MR. K. P. MADHAVAN PILLAI *(Shertallai)* : Sir, I oppose the motion.

MR. A. S. DAMODARAN ASAN ((*Mavelikara* cum *Kartikapalli*) : I rise to a point of order. I want to know whether any member, other than the mover of a Bill could move a motion for committing the Bill to a select committee.

DEPUTY PRESIDENT : His motion would amount to an adjournment of the discussion till a Select Committee is appointed.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When there is a motion for taking into consideration a Bill any member may oppose that. But a motion for Select Committee could only be made by th e mover.

DEPUTY PRESIDENT : Could it not be that the motion for considering the Bill be opposed ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : That may be opposed.

DEPUTY PRESIDENT : Well, his motion may be taken to be that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is no express provision for a bill being *committed* to a select committee on the motion of any member other than the mover. But there is provision for *recommittal* to a Select Committee and that can be moved by anybody.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I would refer the member to standing order 37.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil* : Standing order 37 (2) runs as follows :—

"If the member in charge moves that the Bill be taken into consideration any member may move as an amendment that the Bill be re-committed."

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : But standing order 37 (1) says like this.

"After the presentation of the final report of the Select Committee on a Bill the member in charge may move—

(1) that the Bill as reported by the Select Committee be taken into consideration but may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days or if three months have not elapsed from the date of the first publication of the Bill ; and such objection shall prevail unless the President in the exercise of his power to suspend this order allows the report to be taken into consideration :"

That has also to be moved by the member in charge.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The member will please read the second paragraph of the same Standing Order (No. 37).

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : It says that "*any member may move* as an amendment that the Bill be reconsidered."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : *Any* member may move it as an amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Only as an amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no express provision to say that any member other than the mover may move that the Bill will be committed to a Select Committee; but there is express provision to the effect that if the member in charge moves that the Bill may be taken into consideration, any member may move that the Bill be *re-committed*.

DEPUTY PRESIDENT: Probably Standing Order No. 32 is the provision that would apply to the present case. It says:

> "If no motion for referring the Bill to a Select Committee is made under clause (4) of the preceding Standing Order or if a motion is made and negatived, the member in charge shall not move that the Bill be taken into consideration until the expiration of fifteen clear days from the date on which the Bill was read under clause (2) of the preceding Standing Order."

It implies that even if he does not make a motion for reference to a Select Committee, he may move for the consideration of the Bill forthwith. Standing Order No. 37 refers to a later stage after the Select Committee has reported and the member in charge presents the report and moves for the Bill as reported by the Select Committee, being taken into consideration. The motion now before the House must be construed as a motion opposing the consideration of the Bill. In so opposing, it is suggested that it would be better to appoint a Select Committee to consider the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I cannot accept the position taken by Mr. S. Krishna Pillai. I am perfectly willing to concede that, under ordinary circumstances, this Bill would certainly have gone before a Select Committee. The House must remember that in this case the purpose of the Bill would be defeated if it is referred to a Select Committee, because that would necessarily mean undue delay. I can understand that there may be differences of opinion in regard to the several provisions; but, so far as the main principle of the Bill is concerned, the House has given its assent. It is not, therefore, now open to the House, in the light of that, to do anything which would delay the enactment coming into operation. The House must remember that this is realy an emergency measure.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): It is not possible to give just one day's time for consideration by a Select Committee?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No Sir; I shall explain.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there any provision for emergency Regulations?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the House considers it to be very urgent—I believe it is so—it must find a way to pass it in this session itself. Governmen. have allotted more than 3 hours for the discussion of this measure. As I have already stated, we are extending the session by one day for the sake of the 3rd reading of several Bills.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Why not extend it by one day more?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the House wants the measure urgently, they must take it up now. After all, it is a small Bill. The principle of it has been discussed at length on a previous occasion. If the House is desirous that the Bill must become law urgently, they must impose some restraint upon themselves and pass it *now* treating it as a temporary measure. If there is any verbal defect it can be cured immediately. If the House considers that the postponement of chitties is very urgent, they must accept the Bill as such with such amendments as would remove all formal defects. If the Bill is not taken into consideration today, it would have to go before the new Legislature, the very first session of which will very probably be the Budget Session. The inevitable result will be that it would be postponed for one year.

MR. RAMA VARMA RAJA (*Edavagai*): എന്നുമുതൽ നടത്തുന്ന ചിട്ടികളാണു് ശിക്ഷായോഗ്യമല്ലാത്തതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is beyond my province, just at present, to go into the merits of the question. If my motion is not accepted, and if the Bill referred to a Select Committee, the inevitable result would be that it would go before the new Legislature which would mean delay of one year. That is all that I need say on the present motion.

DEPUTY PRESIDENT: Now, there is a motion for the consideration of the Bill now.

There is an opposition to that motion; for, as the Standing Orders stand, no member other than the member in charge of the Bill can move for the Bill being referred to a Select Committee.

The motion was put to vote and carried.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES.—25.

1	Mr.	K. P. Abraham	14	Mr.	A. Kumara Pillai
2	„	K. C. Chandi	15	„	C. N. Srirenganatha Sastri
3	„	S. Chattanatha Karayalar	16	„	Kayalam Paramesvaran Pillai
4	„	K. Gopalakrishna Pillai	17		Rao Sahib Dr. N. Kunjan Pillai
5	„	K. C. Karunakaran	18		Mr. S. C. H. Robinson
6	„	K. L. Kocheepan Mappillai	19	„	K. Dhanukoti Pillai
7	„	K. P. Kochukora Tarakan	20	„	N. K. Padmanabha Pillai
8	„	K. Krishnan Nayar	21	„	B. Narayana Pillai
9	„	A. Narayana Pillai	22	„	N. Nilakanta Pillai
10	„	K. P. Madhavan Pillai	23	„	C. O. Madhavan
11	„	K. Madhavan Pillai	24	„	E. G. McAlpine
12	„	K. P. Nilakanta Pillai	25	„	J. S. Westerdale
13	„	K. George			

NOES—8.

1 Mr. A. Thanu Pillai	5 Mr. M. P. Madhavan Pillai,
2 ,, S. Krishna Pillai	6 ,, A. S. Damodaran Asan
3 ,, K. Padmanabha Panikkar	7 ,, K. Kunjukrishna Pillai
4 Mrs. Anna Chandi	8 ,, Rama Varma Raja

NEUTRAL—1.

Mr. N. K. Krishna Pillai.

The motion was declared carried, 25 voting *for* the motion, 3 *against* and one remaining *neutral*.

Clauses 1 and 2.

The question that clauses 1 and 2 do stand part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

Clause 3.

DEPUTY PRESIDENT: There is an amendment to be moved by Mr. S. Krishna Pillai. Mr. Krishna Pillai, your amendment seems to relate to a clause which does not form part of the Bill now before the House.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If I am not permitted to move my amendment I oppose Section 2 as it stands in the Bill.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I rise to a point of order with respect to the amendments given notice of by Mr. S. Krishna Pillai. He has not given us the notice prescribed by the Standing Orders. The Bill was taken up on the very first day of this session. Therefore, the member had ample time at his disposal to give sufficient notice in accordance with the Standing Orders. I have serious objections to the amendments being moved now.

DEPUTY PRESIDENT: Considering the peculiar circumstances under which we have to deal with this Bill, I suspend the Standing Order relating to notice, and allow Mr. S. Krishna Pillai to move his amendments.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I also rise to a point of order, Sir. I hope Mr. S. Krishna Pillai will explain how his first amendment is *relevant* to the Bill now before us.

MR. S. KRISHNA PILLAI (*Karunagapalli*) Sir, in regard to the new Section 52 now proposed by the Law Member, it is intended for the purpose of curing certain defects in the present Regulation. There is one provision in the Regulation which enables a chitty to be postponed. The provision for that is contained in Section 33 (6) of the present Regulation. There is no other Section anywhere in the Regulation which enables postponement. Section 33 (6) in addition to being an enabling provision is also a penalising provision. It says that a chitty shall be deemed to have terminated under any one of the circumstances mentioned in the Section. Sub-section (6) of Section 33 says that if the foreman fails to conduct the chitty on the adjourned

[Mr. S. Krishna Pillai]

day, which must be before the date of the next instalment, the chitty shall be deemed to have terminated. Therefore, by implication it enables the foreman to postpone the chitty to any date before the date of the next instalment. Section 33 of the present Regulation, therefore, enables, impliedly, the foreman, with the consent of three-fourths majority of the subscribers, to postpone the chitty. Therefore, any provision relating to the postponement of the chitty to a further date must be to Section 33 of the Regulation. Now, if the amending Bill now before the House is passed, it will lead to trouble on account of the provision in Section 33 (6) of the Regulation under which if the foreman does not conduct the chitty on the postponed date the chitty shall be deemed to have terminated; and the effects of a chitty terminating are far-reaching, because every non-prized subscriber will be entitled to immediate payment of his money. Therefore, it is that I suggest that, instead of adding it as a new Section 52, Section 33 must be suitably amended. Hence my first amendment. Section 33 has to be amended consistent with the provision in the proposed Section 52. Otherwise, it will be postponed under Section 52 and it will terminate under Section 33. That has to be avoided.

DEPUTY PRESIDENT: Is your amendment a consequential one.

MR. S. KRISHNA PILLAI (*Karunagapalli*): It is not exactly that, Sir. Provision must be made amending Section 33 that the chitty shall not terminate, even if postponed, as now provided in Section 52. Section 33 must be amended consistent with the provision now sought to be introduced in Section 52. Otherwise, while the chitty will not terminate under Section 52, Section 33 will vest some of the subscribers with rights consequent on termination of the chitty. That is the difficulty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I want to clear the ground. There is absolutely no difficulty whatsoever. The only question that we need consider now is whether the amendment of Mr. S. Krishna Pillai is in order.

Section 33 of the Regulation is not now before the House; and for that matter, we have yet to pass the provision relating to postponement. The amendment is therefore out of order.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What will happen if Section 52 of the Bill is carried, and the Section 33 of the Regulation remains as it is?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The date of the instalment will be the altered date. It is stated

> "........ shall be deemed to be a provision of the *variola* as if originally contained in the *variola*."

MR. S. KRISHNA PILLAI (*Karunagapalli*): "*Before the next instalment*" what does that mean? The instalment spoken of in Section 33 (1) of the Regulation means the instalment as stated in the *variola*.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Bill says that a resolution shall be passed and that the altered date shall be deemed to be the provision of the variola.

DEPUTY PRESIDENT : So you do not press your first amendment.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I do not press it. I beg to move my next amendment No. (2). The following shall be added as Section 52.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I rise to a point of order. The principle that there should be a provision for postponing chitties has been accepted. This amendment says that no provision need be made inasmuch as there is already a provision in the Bill itself. That means we will be practically going against the principle accepted.

MR. A. THANU PILLAI (*Trivandrum*) : I suggest that the object which Mr. Krishna Pillai wants may be gained by bringing in appropriate amendments to the Law Member's amendments.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I may be permitted to explain my first amendment which related to Section 33, clause VI, *i. e.*, for postponing the chitty for one year. The Law Member wanted that postponement should be for one year. That will come to mean one year from the adjourned date and after the commencement of the Amendment Regulation. So long as my first amendment is not allowed and so long as I do not press the second I may be permitted to move my third amendment.

MR. A. THANU PILLAI (*Trivandrum*) : Is not "special resolution" defined in the Chitties Regulation?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Yes. Sir, I move that

In Section 52 (1), after the words "may be altered" in line 4, insert "by a special resolution" and delete the whole of the remaining portion of the section beginning with "by a resolution passed at a........."

If my amendment is accepted the section will read thus.

"Notwithstanding anything contained in the foregoing provisions, the date of any instalment, or the dates of the instalments, in a chitty, as well as the date on which the chitty is to terminate, may be altered by a special resolution."

Now the remaining part of that clause relates to "resolution" as now defined or said to be defined under the Bill. The Chitties Regulation refers to a special resolution in the following terms in Section 3 (11) :

"Special resolution means a resolution which is passed at a meeting convened for the purpose of the general body of subscribers by a majority of not less than three-fourths in value of the subscribers. Under section (10) terms containing in the variola can be altered or added only by a special resolution."

Section (10) reads thus :

"Subject to the provisions of this Regulation and to the conditions contained in the variola, the subscribers to a chitty may, by a special resolution, alter or add to the articles in the variola any such alterations or additions shall be as valid as if originally contained in the variola and shall be subject in like manner to alteration by special resolution."

[Mr. S. Krishna Pillai.]

So, now according to the old Regulation the expression "special resolutions" has been defined and the terms of the variola are liable to be altered only by a special resolution. Section 52 as proposed in the Bill is not acceptable for several reasons. There is to be no special resolution to be adopted. According to the original provisions in Sections (3) and (10), they speak of *special resolutions* and not mere resotions. I do not see why we should depart from that accepted rule in regard to chitties. It will also be seen that we are introducing unnecessary innovations in a piece of legislation which will affect only subsisting chitties. Every one of the subscribers was given to understand that the terms contained in the *variola* could be altered only by a special resolution. Hereafter, by means of a resolution in a meeting assembled the terms may be altered. According to the existing Regulation, the term "special resolution" provides clear safeguards. The difference between a resolution and a special resolution can be illustrated by one example. Here, for the purpose of passing such a special resolution it is stated thus :

> "that a resolution passed at a meeting convened for the purpose of the general body of the subscribers by a majority of not less than 3/4 in the value of subscribers........"

That special resolution will be valid only if it is passed by a majority of not less than three-fourths of the value of subscribers. Now, what is the resolution that is sought to be introduced here? It reads—

> "A resolution passed.........by a majority of not less than 2/3 in number of the subscribers present at the meeting."

So, if on a particular day only three subscribers are present they can pass a resolution which will be also valid.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : If the subscriber present does not want postponement, is it not open to him who is present to insist on that?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : As if every subscriber has nothing else to do but to be present.

MR. K. GEORGE (*Chief Secretary to Government*) : Is there no voting by proxy in a chitty?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I do not think there is, when the old Regulation says that every term contained in the *variola* shall be liable to be altered or added in accordance with 'special resolution'......,why should we want to introduce a new word "resolution?" Why not we say by a 'special resolution passed in the foreman's house under Section 10?' Why not give to the subscribers who have taken these tickets as much right and privilege as they bargained for at the time when they joined the chitty? Why should the foreman alone have a hand in regard to postponement without the consent of every subscriber? If under this Regulation, a foreman says that he has issued a notice to the subscribers regarding postponement just a day before the meeting, and suppose in his minute book such an entry is also found, or say that the notice was issued on the day of the meeting,

what could be done? One fine day the foreman, his son-in-law and brother-in-law all assemble together and in a meeting decide to postpone the chitty. This is valid according to the rules proposed to be introduced. That is a decision passed by a majority of 2/3 present at the meeting. It is a genuine resolution.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapālli*): Even if the brother-in-law differ there is no difficulty.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes. I am only suggesting an extreme case. This will not be possible if we adhere to the expressions found in the old Regulation and that is "special resolution passed by the holders of at least three-fourths of the total number of tickets." For that purpose the foreman will have to forge the signatures of several subscribers which he will not dare. It will be a dangerous thing if he commits it. By the proposed section it will mean that we are favouring the foreman of a chitty. I do not for a moment believe that this is enacted for the purpose of saving the prized subscriber or giving no help to the non-prized subscriber. Again, the foreman is given the power to extend the term of the chitty. According to the old regulation, only with the consent of a particular number of subscribers, could a chitty be postponed. Why not stick to that provision which is a very wholesome one? Undesirable postponements will never take place. Three-fourths in value of the subscribers will have to be present. If they are not present, the chitty could not be postponed. Every subscriber, both prized and non-prized, will take interest in the chitty transactions. On the other hand, do not arm the foreman with such a dangerous weapon and thus enable him to postpone the chitty. My chief point is about the number 2/3. Why not that be scored out and put in three-fourths? Again, why should we depart from the old Regulation? Further, it is mentioned in the proposed regulation as "two-thirds in the number of subscribers present." The old Regulation says three-fourths of the total number of tickets. As far as possible why should we not adhere to the wording in the existing regulation? Not only in the interests of the non-prized subscribers but even in the interests of the prized subscribers, what I say is that a foreman should not be given the right to postpone the chitty without the consent of a majority of ¾ in value of the subscribers. That power will not always be liable to be used against any person. That is my experience of the matter. A foreman can only act with the consent of a majority of the subscribers. He cannot manipulate the records in his own way. Before he resorts to all manner of false methods he will consider well. There is a Magistrate's Court to look into the records and scrutinise them in case any slight suspicion is found. It is only with the unanimous agreement of a majority of the subscribers, a special resolution could be passed stating that the chitty is postponed. If the foreman is a dishonest man, subscribers will not agree to that. If honest they will agree. With these observations I move my amendment No. (3)

MR. A. THANU PILLAI (*Trivandrum*): All that Mr. Krishna Pillai, wants is the wording "special resolution"

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I second the amendment. When the provisions of the *variola* are sought to be altered, the consent of a majority of the members present in a meeting is obtained. I think that when a question of fundamental change is contemplated, such as postponement of a chitty for some time, the majority of the subscribers present in a meeting should be given the liberty of having their say and have their voice effectively exercised in deciding one way or the other. So I think that three-fourths in value will, be a sufficient substitute than the present two-third of the number present. It has also been suggested by the Law Member while he was addressing the House that it is in the interest of both the prized subscribers and the non-prized subscribers who had not the fortune to bid the chitties that it is proposed to be postponed due to the present economic depression. If that be so, why should any body apprehend that, if the postponement is in the interest of all the parties, they should fear that a three-fourths majority in value will not be present.

MR. K. GEORGE (*Chief Secretary to Government*): Some of them may be in Singapore and others in Madras.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I think three-fourths majority can be obtained. Postponement is not a matter to be lightly interfered with. I think it may be detrimintal to the persons who have already subscribed money if only some of the prized subscribers go and postpone the chitty without the knowledge of the non-prized subscribers. I think the non-prized subscribers were the prudent people who were helping the foremen to conduct the chitty thus far under difficult times. Theirs should be the deciding voice and they should be given sufficient opportunities of expressing their views in shaping the decisions of this corporation. Under these circumstances, I think it is very necessary that we should support the amendment as proposed by Mr. Krishna Pillai. With these words, I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I do not accept the amendment. The provision contained in this section is what has specially been recommended by the Economic Development Board who are the expert advisers of Government in this matter.

MR. A. THANU PILLAI (*Trivandrum*): May I know the strength of the members who constitute the Economic Development Board?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, as the time is limited, I am not proposing to answer that question.

Sir, what we want is an emergency provision so that the postponement of chitties may be facilitated. If we put the provision that two-thirds or three-fourths majority must be present at the meeting, that may hamper the resolution.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose the Law Member's amendment says that voting by proxy is allowed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then proxy must be signed.

We will come to that presently.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is it an emergent meeting? This is an emergent measure.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will we not be passing this measure because it is in the interest of all concerned? And does not the member think that all the persons will be assembling there?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not necessary. Some people may not go.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So, are we not passing this legislation in the interest of all persons?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be. Persons who are prepared to take action will be present. Suppose some people are not appearing at the meeting, then the postponement will be hampered. Restrictions should not be put in the matter of postponement. That is why I said "two-thirds of the majority of people present at the meeting".

MR. A. THANU PILLAI (*Trivandrum*): Sir, I support Mr. Krishna Pillai's amendment. This, it will be conceded, is an extraordinary kind of legislation that the mover wants to introduce.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): *Has introduced* and not "wants to introduce".

MR. A. THANU PILLAI (*Trivandrum*): Wants to introduce to the Statute Book. In all pecuniary matters we find that a pecuniary value has to be taken into account in deciding the question. That is what we do in the case of a company. It is the value that goes into account with the Board. It is based on a sound principle; because pecuniary interest ought to be taken into account. I made that point clear when I spoke on the motion to introduce the Bill. Simply because there is a larger number of subscribers, I think, it is a very dangerous principle not to take value into account. Then, the value of tickets is very small. The rule is already in the Regulation. I do not know why a departure should be made now in regard to that. I do not know why we should go down to two-thirds of the number of members present in a meeting to effect a postponement. (*Interruption.*) Do you mean to say that simply because a man is not able to turn out the number of persons the value of his money is lost? That is a very curious position.

Then, there is another aspect of the matter to be considered. It was argued here that it is a matter which the majority of the people wanted. It is really wanted in the interest of the subscribers. What harm is there if three fourths of the subscribers should enter into it to effect a postponement? We want to make a change in the law in the middle of the life of a chitty. After the majority of the subscribers are in it we want to obstruct them by means of postponment. We are here going to interfere with the rights of chitty subscribers. They

[Mr. A. Thanu Pillai.]

may say we joined the chitty under certain conditions and we must have the right to continue that. Now, the Legislature says "you shall yield to the majority". "Yes, I shall. But is it to the 2/3 of the value or 3/4 of the number who has joined the chitty?"

MR. K. GOPALAKRISHNA PILLAI (*Parur*): What is the practice obtaining in Co-operative Societies?

MR. A. THANU PILLAI (*Trivandrum*): We are not concerned with the practice obtaining in Co-operative Societies.

MR. K. GOPALAKRISHNA PILLAI (*Parur*). Do they not give votes according to their shares?

MR. A. THANU PILLAI (*Trivandrum*): But do not people take shares with the right before them when the law was quite clear. Now we want to settle the matter hereafter in regard to the chitties. You may say that one member or the foremen alone can postpone it. But not so here. He would say that he thought that he could win the chitty and have it whenever he wanted. Others will have their own way and you must yield to their wishes. Are we right in doing what they ask? The Economic Development Board consists of responsible people. It may consist of chitty foremen also. This recommendation might have been made by the chitty foremen. It is the same as lawyers know law and the conditions in the land. What does it show? That it will be determintal to the interests of the people. We are going to effect a violent change in the law. I think that it ought to be prevented. I am strongly of opinion that as soon as the principle of the Bill has been accepted, the conditions under which such resolutions can be passed should at least be adhered to. Sir, I hope that the members of this House, both officials and non-officials will not allow this. I mean that none of the members will allow themselves to be swayed away by the cry of economic depression. We are a responsible body. We ought to take into account the real facts. Simply because this is a time of economic depression is there any necessity that auction should be postponed, if three fourths of the subscribers do not agree? They have joined the chitty concerns knowing what the chitty conditions are. We cannot stop them in the middle of a transaction. I am really suprised that the Law Member persists in the clause that he wanted to introduce even though while voting on the motion for introduction he remained neutral which clearly admits that he was not quite convinced.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I was giving the House a full opportunity for expression of its opinion on *my* Bill.

MR. A. THANU PILLAI (*Trivandrum*): Anyhow, when he could clearly convince, he remained neutral. As a lawyer, I can very well appreciate his standpoint.

The Bill was introduced at the instance of the Economic Development Board. In a matter like this I again state that we should not introduce any violent change in the existing law. So, I support Mr. Krishna Pillai's amendment.

May I know whether Mr. Krishna Pillai has moved the second part of his amendment?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Only the first part.

MR. A. THANU PILLAI (*Trivandrum*): I wanted that portion also to come in. A time-limit with regard to the postponement of chitties should certainly be contemplated. Again, I emphasise the fact of the very well-established principle that we must respect contracts. As a legislature we ought not too lightly interfere with the obligations created between parties. We ought not do any violent change. If you want, let us at least make as little change as possible. Here we are making gross changes and I do not think the Legislature is justified in taking that course. When the policy of the Bill was put to vote the members on the other side of the House who remained neutral should consider the implications of the step that is going to be taken. Of course, I must also bring to their notice the fact that many seats on this side of the House are unfortunately vacant. The implications of the change ought to be taken note of by every one, both official and non-official. Official discretion should not fetter them. I hope when voting on this, individual discretion will be allowed to official members.

DEPUTY PRESIDENT: We do not know what is going to happen?

MR. A. THANU PILLAI (*Trivandrum*): I want to emphasise the necessity. If discretion was allowed at the time of voting on the general principle to prevail, why not allow that discretion when voting on this amendment also? When they thought that the principle of the Bill is one that has not been accepted by all should they not be allowed to limit its injurious effects as much as possible? What is the use of saying you may reject the Bill as a whole, but you may not discard the principle? But if in spite of you it is accepted you must accept it in full. I cannot understand the logic of that. I hope official members will be allowed to vote according to their individual discretion and they will vote in favour of Mr. Krishna Pillai's amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, I oppose Mr. Krishna Pillai's amendment. The Bill is intended as a measure of relief to the economic distress now prevailing.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Relief in whose favour?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): In favour of the chitty people.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Who are the chitty people?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The foreman of the chitty and the subscribers, both prized and non-prized. The Bill is, for the present purpose, more practical than the one suggested by Mr. Krishna Pillai. Now, a meeting is specially convened for this purpose and all the subscribers, prized as well as non-prized, are given an opportunity for being present at the meeting and if there is any dissenting voice, they have a chance of expressing it at the meeting. As a practical measure, I think, the present Bill, as brought forward by the Law member, must be supported.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I have very carefully listened to the Law Member's speech. I am not agreed upon the fitness of the arguments advanced by him. I do not think that they are in any way proper. My friend Mr. Thanu Pillai observed, and that with propriety and with great force, that the sanctity of subsisting contracts should always be respected. Even when this Regulation was passed the Legisature was forced to come out with this piece of Legislation for the protection of the subscribers and the foremen. When this Regulation itself was passed, they enacted Section 2 which said "nothing contained in the Regulation shall apply to a chitty of which the first drawing has been conducted before the commencement of this Regulation." They did not think that because the interests of all classes of persons had to be protected they could come forward with a legislation which has retrospective effect and which shall effect all subsisting contracts. Today we passed the Provident Insurance Societies Bill. There in Section 29 we have presumed the sanctity of contracts. Now, after the commencement of this existing Regulation certain new chitties have come into existence. It was on the strength of the provisions contained in the *variola* that we took tickets. It is not proper to say that whatever may have been the contract, whatever may have been the assurance that you might have had, it shall be at the sweet will and pleasure of the foreman to alter it. If the Section as it is put forward by the Law Member, is passed, it will lead, as I submitted, to very great difficulties and deprive the right of individual subscribers. It will be, as I am now led to believe, not to the benefit of subscribers but only to the benefit of foremen. If it is in the interest of the subscribers, I do not understand what difficulty there is for the foreman and the subscribers to meet and agree to a special resolution to the effect that the chitty shall be postponed for one year. If it is only in the interest of the foreman and not of the subscribers, if that is not in the interest of the prized or unprized subscribers, why should we lend our protection for one man as against a large number of people who have taken tickets in the chitty? When our predecessors drew up this Bill and discussed it and passed it as a piece of legislation as acceptable to a full House, they did not take this matter into contemplation. They did not think that the *variola* should be added to with the consent of the majority of the members. Only $\frac{3}{4}$ in value was contemplated. The other provision would have the effect of enabling the foreman to conduct the chitty in utter defiance of all the rights of the prized and non-prized subscribers. Suppose several subscribers want that a chitty should be conducted. Are they to be present at the house of the foreman from morning six to evening six until the foreman conducts the meeting? The foreman does not hold the meeting until it is 1 o'clock. Nobody is elected as chairman. After 1 o'clock these people get hungry and go away. Then the foreman holds the meeting and with the help of his son-in-law, he is able to have a $\frac{3}{4}$ majority of the subscribers present. In that case what can be done by the prized and the unprized subscribers to safe-guard their position?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The member is repeating the very same that he said in order to obstruct business.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am really sorry, that the member makes such an observation. It is far from my thought. It is only to impress upon the House that the House shall not take any attitude subversive of all legal principles that I explained the matter. It is a very dangerous attitude and I want to bring it to you that the matter requires full and serious consideration. If I repeated any argument, it is because I thought you have not understood. I beg to be excused. It is not my practice to repeat and I am sorry Mr. Nilacanta Pillai has come forward with that statement. He has been making irrelevant statements.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I assure the member that I will not repeat the question hereafter. I said that because we have very little time.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I believe he is most obtuse. Since my friend Mr. Nilakanta Pillai thought that I am repeating an argument, I believe he has also understood it, and that everybody has understood what I am trying to emphasise. Therefore, without further argument, I submit that my amendment may be accepted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to this provision in the Bill, I will only draw the attention of the House to Section 79 of the Companies Regulation which makes provision for extraordinary resolutions. It says thus:

"79. A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three-fourths of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given." It will be seen therefore that a meeting of a company where property rights are affected an extraordinary resolution can be passed even though the majority of members were not present.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Should not that be ratified.

MR. KAYALAM PARAMESVARAN PILLAI (*Additionl Head Sirkar Vakil*): I am coming to it. It will be seen that in chitties it is not necessary to ratify. All that is required is that ¾ majority should be present either by proxy or in person. It will be seen here also that this special resolution may be passed by ¾ majority. But it can also be similarly altered by another resolution.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Who is to summon these subscribers? Can the foreman convene the meeting?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If an amendment for the purpose is necessary that may be moved.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the harm in accepting the amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): First of all, it is fundamentally opposed to the scheme of the Bill. It is opposed to the majority proposed there. If, instead of ¾, he said 2/3, that might have come within the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Does the Law Member think that the subscribers will sleep over their rights when they receive a notice convening the meeting?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think they will sleep.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Then, will they go and attend?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): And so a special resolution can be passed by them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Then, why not the member accept that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Because that is not the principle involved in the Bill.

The question that in Section 52 (1), after the words "may be altered" in line 4, the words "by a special resolution" be inserted and the whole of the remaining portions of the Section beginning with "by a resolution at a..........." be deleted, was then put and lost.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES—8.

1	Mr.	S. Chattanatha Karayalar
2	,,	A. S. Damodaran Asan
3	,,	S. Krishna Pillai
4	,,	K. Kunjukrishna Pillai
5	Mr.	M. P. Madhavan Pillai
6	,,	K. Padmanabha Pankikar
7	,,	Rama Varma Raja
8	,,	A. Thanu Pillai

NOES—23.

1	Mr.	K. P. Abraham
2	,,	K. Gopalakrishna Pillai
3	,,	K. C. Karunakaran
4	,,	K. I. Kocheeppan Mappillai
5	,,	K. P. Kochukora Tarakan
6	,,	K. Krishnan Nayar
7	,,	N. K. Krishna Pillai
8	,,	Tariatu Kunjitomman
9	,,	K. P. Nilakanta Pillai
10	,,	R. Dhanukoti Pillai
11	,,	K. George
12	,,	A. Kumara Pillai
13		Rao Bahadur Dr. N. Kunjan Pillai
14	Mr.	C. O. Madhavan
15	,,	E. G. McAlpine
16	,,	B. Narayana Pillai
17	,,	N. Nilakanta Pillai
18	,,	R. Nilakanta Pillai
19	,,	N. K. Padmanabha Pillai
20	,,	Kayalam Paramesvaran Pillai
21	,,	S. C. H. Robinson
22	,,	C. N. Srirenganatha Sastri
23	,,	J. S. Westerdale

NEUTRAL -1.

Mr. K. P. Madhavan Pillai.

The amendment was declared lost, 8 voting *for* the amendment, 23 *against* and one remaining *neutral.*

DEPUTY PRESIDENT : It is already 5 o' clock. May I know from the members present here as to what time they will take in case we continue to-day, to finish the whole Bill? There is a proviso, there are 2 sub-clauses and Section 53 still to be considered.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Without offending my friend Mr. Nilakanta Pillai, I might submit that the amendments before the House are more controversial than those that have already been taken up.

DEPUTY PRESIDENT : What time will you take ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : About 3 or 4 hours.

DEPUTY PRESIDENT : So, even if we sit till 8 o' clock, it will not be possible to finish it. If the Government are keen about the Bill, they may allot an additional day for this business. As it is, it is not possible to finish it to-day. We will now adjourn and meet again on Monday.

The House adjourned at 5-1 P. M.

A. KUMARA PILLAI,

Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

Monday the 19th December 1932|5th Dhanu 1108.

The Council assembled at Eleven-thirty of the clock in the Victoria Jubilee Town Hall, the President presiding.

QUESTIONS AND ANSWERS.

Recruitment to the traffic branch of the Police Department.

81. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*): Will the Government be pleased to furnish the following information regarding recruitment to the traffic branch of the Police Department:

(*a*) the name, age and qualifications of each of the individuals selected as Head Constables and Inspectors;

(*b*) the names and qualifications of the applicants for the posts of Inspectors, whose applications were rejected;

(*c*) the grade, service and names of the 1st grade Constables who were recommended from each Police District for appointment as traffic Head Constables and how many of them were so appointed; and

(*d*) the grade, names and qualifications of the Police Constables who were appointed as traffic Head Constables?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*), (*b*) & (*d*) Statements* furnishing the information are laid on the table.

(*c*) A list† furnishing the information is laid on the table. Out of the nine Police Constables recommended, two were appointed as traffic Head Constables.

Pathway running south from about the 4th mile of the Kottar-Rajakkamangalam road.

82. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): (1) Are the Government aware that a *poramboke* pathway runs southward from about the fourth milestone of the Kottar-Rajakkamangalam road?

(2) Will the Government be pleased to state:

(*a*) whether the pathway runs through the villages of Vyrakudiyiruppu, Adarivillai, Mavilai etc.;

(*b*) whether they are aware that this pathway is encroached upon by *puduval* cultivators;

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* *Vide* Appendices I—(A), I—(B) and I—(D). pages i to xviii and xx.

† *Vide* Appendix I—(C). page xix

[Mr. K. Narayanaperumal Nadar.]

(c) if the answer to part (b) is in the affirmative, the action taken by them thereon; and

(d) whether there was any petition to convert this into a cart-road?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (1) Yes.

(2) (a) Yes.

(b) to (d). These have been referred to the Land Revenue and Income-Tax Commissioner for report.

Annual rental of the arrack and toddy shops in the State.

83. MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*): Will the Government be pleased to state:

(a) the aggregate annual rental of all the arrack shops of the State for the current contract period and for the prior one; and

(b) the aggregate annual rental of all the toddy shops of the State for the current contract period and for the prior one?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

		Rs.
(a) Annual arrack rental for the current (1108-1109) contract	...	2,80,345
Do. for the last (1106-1107) contract	...	4,95,185
(b) Annual toddy rental for the current (1108-1109) contract	...	11,92,840
Do for the last (1106-1107) contract	...	15,54,810

Retrenchment in the salaries of Police Officers.

84. MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Will the Government be pleased to state when retrenchment in the salaries of police officers was sanctioned by the Government, the extent to which it has been given effect to and the consequent savings so far made?

MR. K. GEORGE (*Chief Secretary to Government*): The scales of pay of the Inspectors of Police were reduced from the 1st Mithunam 1107 as follows:—

Existing scale.	*Reduced scale.*
1st Grade 10 on Rs. 140-10-200.	10 on Rs. 125-5-150.
2nd Grade 18 on Rs. 100-5-125.	18 on Rs. 80-5-120.
3rd Grade 55 on Rs. 60-5-90.	50 on Rs. 50-5-75.

The order was subsequently held in abeyance as it was considered that the question of reduction of pay of Police Officers should be taken up only along with the revision of pay of the officers of all the departments, which the Retrenchment Committee was having under consideration.

Income from duty on petrol.

85. **MR. M. N. NARAYANA MENON** (*Kottayam*) : Will the Government be pleased to state the income now (5-4-1108) derived from duty levied on petrol?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Petrol imported from foreign countries direct into Travancore is alone subject to duty. As no such direct imports have occurred till now, no income is derived under duty on petrol. The member's attention is, however, invited to the answer given to Question No. 183 at the meeting of the Council held on the 5th Agust 1932 (*Vide* page 573 of Vol. XXI of the printed proceedings) from which it will be seen that this Government received Bh. Rs. 2,72,000 as their share of the duty on petrol from the Government of India.

Issue of P. W. contracts to co-operative societies.

86. **MR. M. N. NARAYANA MENON** (*Kottayam*) : Will the Government be pleased to state.

(*a*) whether they have issued any circular to the effect that the Public Works and other Departments should give contracts to co-operative societies if applied for by them ; and

(*b*) whether they will lay on the table a statement showing the number of applications for contracts received by the Public Works Department from these societies, the number of applications granted and the number rejected ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) :

(*a*) Yes.

(*b*) 30 co-operative societies got contracts from the P. W. and Maramath Departments. Information about the number of applications received from co-operative societies by the P. W. Department and the number rejected is not available.

Application for leave to introduce the "Travancore Special Marriage and Succession Bill."

87. **MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : Will the Government be pleased to state :

(*a*) whether any non-official member of the Legislative Council has applied for sanction to introduce "The Travancore Special Marriage and Succession Bill";

(*b*) if so, the date of such application ;

(*c*) whether sanction was granted ; and

(*d*) if not, why not?

MR. A. KUMARA PILLAI (*Secretary to Government*) : (*a*) Yes.

(*b*) the 6th Chingom 1108.

(*c*) Yes.

(*d*) In view of the answer to part (*c*), this question does not arise.

Selection of a site for dumping night-soil in Trivandrum Municipality.

88. **MR. A. THANU PILLAI** (*Trivandrum*) : Will the Government be pleased to state :

[Mr. A. Thanu Pillai.]

(*a*) whether they have decided to acquire land near Mannanthala Mukkolakkal (മണ്ണന്തലമുക്കോലക്കൽ) for the Trivandrum Municipaility for the purpose of dumping night-soil;

(*b*) whether the site selected has been inspected by the Sanitary Commissioner or the Inspecting Medical Officer or both;

(*c*) if the answer to part (*b*) is in the affirmative, whether they reported in favour of or against that site being used for the purpose;

(*d*) whether the Government are aware of the number of houses that would be rendered unfit for human occupation in consequence of the vicinity of night-soil;

(*e*) how the night-soil is proposed to be disposed of at that site; and

(*f*) the arrangements, if any, proposed to be made to prevent the night-soil rendering the neighbourhood insanitary?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) Yes.

(*b*) Yes.

(*c*) They reported that the soil of the site selected is suited for dumping night soil.

(*d*) It is reported that there are only about a dozen houses within a radius of two furlongs around the site and that almost all the houses are situated on the eastern side.

(*e*) By trenching.

(*f*) The trenching will be done on the side of the land further from the neighbouring houses by the road junction. It is also reported that arrangements will be made to make sufficiently deep pits for trenching night-soil and that these will be covered up with earth immediately after the operation.

Re-employment of disbanded computor-draftsmen of the L. R. M. Department.

89. **MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Will the Government be pleased to state:

(*a*) whether the disbanded computor-draftsmen of the Land Records Maintenance Department (abolished in 1101) were provided for in the Survey Department;

(*b*) whether there is any Government order relating to that; and

(*c*) if so, the number and date of that order?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) A gradation list of subordinates disbanded in 1101 from the Survey and Land Records Department and who had no general examination qualification, was prepared by the Land Revenue and Income-Tax Commissioner with the details furnished by the Superintendent of Survery. Out of these, 8 men were given permanent appointments and 15 others were given temporary and acting appointments as vacancies arose.

(*b*) Yes.

(*c*) R. O. C. No. 530/25/Rev., dated the 26th December 1925, and R., O. C. No. 3657/27/Rev., dated the 12th October 1927.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether the Superintendent of Survey has not contravened this order of Government?

MR. A. KUMARA PILLAI (*Secretary to Government*) : In some vacancies he appointed fresh men; but they had superior qualifications. The disappointed men who were not entertained did not appear before the Survey Superintendent or before the Land Revenue Commissioner to put in their claims. Those who appeared before him were appointed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) I did not want all this answer. My specific and simple question was whether the Survey Superintendent contravened this order of Government.

MR. A. KUMARA PILLAI (*Secretary to Government*) : Yes, to some extent.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Have the Government asked the Survey Superintendent to give an explanation for that?

MR. A. KUMARA PILLAI (*Secretary to Government*): It did not come to the notice of Government that the Survey Superintendent had not acted according to the Government order.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, just a moment ago, the member stated that the Survey Superintendent had contravened the Government order. Now he says that that has not come to the notice of Government.

MR. A. KUMARA PILLAI (*Secretary to Government*) : There is no such contradiction, Sir. After the interpellation was asked, Government got this information.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Will the Government call for an explanation from the Survey Superintendent ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : Yes.

Enquiry into the working of the Quilon Customs Office.

90. **MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Will the Government be pleased to state :

(*a*) whether any officer has been deputed to enquire into the working of the Quilon Customs Office;

(*b*) if so, the name of the officer ;

(*c*) whether any report has been submitted by him ; and

(*d*) if so, whether they will lay it on the table ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) :

(*a*) & (*b*) Government have sanctioned the deputation of Excise Inspector, Mr. C. Gopala Pillai, for the purpose.

(*c*) The Excise Commissioner now reports that, as the Inspector fell ill and went on leave, the work has not yet been commenced.

(*d*) This does not arise in view of the answer to part (*c*) above.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know when this Mr. Gopala Pillai, Excise Inspector, was deputed to enquire into this matter?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): 17th November 1932.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): The date on which he went on leave?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Soon after the G. O. was received by the Excise Commissioner.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether in view of the importance of the question, Government will order for the expedition of the report?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes.

Qualification for Assistant Inspectresses and Head Mistresses of girls' schools.

91. MRS. ANNA CHANDI (*Nominated*): Will the Government be pleased to state:

(*a*) whether there is any rule in the Education Department that B. A., L. T.'s alone can be appointed as Assistant Inspectresses and Head Mistresses of girls' schools;

(*b*) if the answer to part (*a*) is in the affirmative, whether there are in service any Assistant Inspectresses who are not graduates, and if so, how many;

(*c*) whether any undergraduate Head Mistresses were removed from their places as a result of the above rule;

(*d*) whether the undergraduate Head Mistresses were deprived of the allowance they used to get;

(*e*) whether the undergraduate Head Mistresses complained to the Government about the matter; and

(*f*) if the answer to part (*e*) is in the affirmative, the action taken in the matter?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Yes; but the order does not affect the undergraduates who were working as Assistant Inspectresses of girls' schools at the time it was issued.

(*b*) Yes—three.

(*c*) Yes.

(*d*) The undergraduates who were Headmistresses of English middle schools for girls ceased to receive the local allowance they were drawing from the date of their replacement by trained graduates, as the allowance was not personal to them but was attached to the posts of Head Mistresses.

(*e*) Yes.

(*f*) The matter is under the consideration of Government.

Extension of concessions under the Land Assignment Rules to the members of the Minachil-Ramapuram Visvakarma Samajam.

92. MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): Will the Government be pleased to state.

(*a*) whether they received any petition in Kumbham 1106 from the members of the Minachil-Ramapuram Visvakarma Samajam for extending to them the concessions allowed to the depressed classes under the Land Assignment Rules; and

(b) if the answer to part (a) is in the affirmative, the action taken or the decision made by the Government on that petition?

MR. A. KUMARA PILLAI (*Secretary to Government*): (a) No such petition was received from the members of the Minachil-Ramapuram Visvakarma Samajam in Kumbhom 1106.

(b) In view of the above answer, this question does not arise.

Minimum qualification for appointment as Head Mistresses and Assistant Inspectresses

93. **MR. K. PADMANABHA PANIKKAR** (*Ambalapuzha*): Will the Government be pleased to state:

(a) whether any order has been issued prescribing the minimum qualification for the appointment of Head Mistresses of English middle schools for girls and Assistant Inspectresses of girls;

(b) if so, the minimum qualification so prescribed;

(c) whether this order affects the appointment of those who are already permanment Head Mistresses and Assistant Inspectresses; but not possessing this minimum qualification;

(d) whether they have received any complaint from any Head Mistresses or any Assistant Inspectresses, jointly or separately, about the hardships of such an order; and

(e) if so, whether any exemption has been granted to any of the complainants?

MR. K. GEORGE (*Chief Secretary to Government*): (a) Yes, but the order does not affect the undergraduates who were working as Assistant Inspectresses of girls' schools at the time it was issued.

(b) B. A., L. T.

(c) Yes. It affects the undergraduates who were working as Head Mistresses of English middle schools for girls at the time it was issued but not Assistant Inspectresses in the same position.

(d) Yes. From Head Mistresses of English Middle Schools for Girls.

(e) The matter is under the consideration of Government.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): With reference to part (a) of the question, may I know why Government thought it necessary to create a difference, among Assistant Inspectresses, in the treatment accorded to them?

MR. K. GEORGE (*Chief Secretary to Government*). The Assistant Inspectresses had very long service in administrative and executive work, and it was considered that it would be a hardship to them to transfer them as assistants in schools after they had been in independent positions for years. Further, they may not now be fit to teach as they have been long out of touch with teaching work. On the other hand, the Head Mistresses were already in the teaching line, so that there would be no hardship in retaining them there.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Are not the cases of Head Mistresses of long teaching experience equally hard.

MR. K. GEORGE (*Chief Secretary to Government*): There are Head Mistresses who have had long experience; and they continue to teach.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Why were they given a different treatment with regard to the operation of this rule?

MR. K. GEORGE (*Chief Secretary to Government*): I have explained the position. There was really no hardship in the case of the Head Mistresses except that they lost the local allowance.

Attendance of doctors in Nagercoil District Hospital.

94. MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government aware that doctors of the Nagercoil District Hospital (save the present lady doctor) attend the hospital in the morning invariably after 9 o'clock?

MR. A. KUMARA PILLAI (*Secretary to Government*): (a) No.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know at what time doctors are expected to attend hospitals ?

MR. A. KUMARA PILLAI (*Secretary to Government*): 7-30 A. M

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): How do the Government verify whether doctors attend hospitals at 7-30 A. M.?

MR. A. KUMARA PILLAI (*Secretary to Government*): The Inspecting Medical Officer checks that occasionally during inspection.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): How many visits does he make to District Hospitals?

MR. A. KUMARA PILLAI (*Secretary to Government*): That is left to his convenience.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Is there any attendance register maintained in the hospitals?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Has there been any surprise visit by the Inspecting Medicial Officer before 8 A. M. or 9 A. M.?

MR. A. KUMARA PILLAI (*Secretary to Government*): That information is not now available.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Are the Government prepared to take any statement that, at present, doctors, except lady doctors, do not attend hospitals at 7-30 A. M.?

MR. A. KUMARA PILLAI (*Secretary to Government*). Government will enquire into the matter.

Resolutions passed by the Onattukara Karshaka Samajam.

95. MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state;

(a) whether thay have received a memorial from the Secretary, Karshaka Samajam, Onattukara, Muttam, forwarding a copy of the resolution passed at a special session of the said Samajam held on the 5th Vrischikam 1108;

(b) whether the prayer in the above memorial for the extension of time by one month for payment at concessional rates of the Kandukrishi Pattam for 1107 has been considered by them;

(c) whether the reduction in the commutation rate of paddy from 6 fanams to 3 fanamas with regard to the Kandukrishi Pattom for 1107 was made on account of the fall in the price of paddy ; and

(d) if the answer to part (c) is in the affirmative, the reason for granting the concessional rate only up to the close of Tulam 1108 ?

MR. A. KUMARA PILLAI (*Secretary to Government*) : (a) Yes.

(b) The matter is under consideration.

(c) Yes.

(d) In G. O. Dis. No. 155 /26/Rev., dated the 22nd October 1926, fixing the commutation rate of Kandukrishi paddy tax in respect of Kandukrishi Pattom lands the rate was fixed at 24 chs. per *para* of paddy. The commutation rate in respect of arrears of Kandukrishi tax due for the year 1107 was temporarily reduced to 12 chs. as a matter of concession and cannot be climed as a right.

Enquiry into the alleged Police excesses at Alleppey.

96. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*) : Will the Government be pleased to state :

(a) whether the enquiry by the Quilon Dewan Peishkar into the alleged Police outrages at Alleppey, has been concluded ; and

(b) whether they will be pleased to lay on the table the relevant papers connected with the same ?

MR. K. GEORGE (*Chief Secretary to Government*) : (a) Yes.

(b) A copy of the District Magistrate's report* on the subject, together with a copy of the orders issued by Government in the matter are placed on the table.

LEGISLATIVE BUSINESS.

THE TRAVANCORE MUSLIM SUCCESSION BILL.

MR. P. S. MAHOMED (*Nominated*) : I beg to move that

in clause 1, sub-clause (1), line 2, after the figure "110," the figure "8" be added.

MR. MAHOMED MUSTAPHA (*Commerce and Industry, South*) : I second it.

The amendment was carried.

**Vide* Appendix II.—A. pages xxi to xviii

**Vide* Appendix II B. pages xxix.

MR. P. S. MAHOMED (*Nominated*): I beg to move that in clause 1, sub-clause (1), line 3, the words "*at once*" be added after the word "clause" in line 3 and the words "on the day of" be deleted.

MR. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

The amendment was carried.

MR. P. S. MAHOMED (*Nominated*): സർ, ഈ ഭേദഗതിചെയ്തു പാസാക്കിയ മുസ്ലിം സക്സഷൻ ബിൽ മൂന്നാം വായനക്കെടുക്കണമെന്ന് ഞാൻ അപേക്ഷിച്ചുകൊള്ളുന്നു.

MR. MAHOMED MUSTAPHA (*Commerce and Industry, South*) I second it.

The motion was carried.

THE TRAVANCORE KSHATRIYA BILL.

MR. RAMA VARMA RAJA (*Edavagai*): I beg to present the report of the Select Committee on the Travancore Kshatriya Bill and move that the Bill be taken up for consideration.

MR. L. R. RAJA RAJA VARMA (*Co-opted*,: I second it.

The question that clauses 1 and 2 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

MR. RAMA VARMA RAJA (*Edavagai*): There is a verbal amendment to be made in clause 2.

PRESIDENT: You may move it at the third reading. The clause has already been passed.

Clause 3.

MR. RAMA VARMA RAJA (*Edavagai*): I move that—

in sub-clause (*b*), instead of the colon, substitute a semicolon.

MR. L. R. RAJA RAJA VARMA (*Co-opted*): I second it.

The amendment was put to vote and carried.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not move any of my amendments.

The following amendment was not moved.

MR. K. P. NILAKANTA PILLAI: Clause 3, sub-clause (*b*)

omit the following in the first proviso "Notwithstanding the provisions of Section 3 of the Nayar Regulation, II of 1100."

MR. RAMA VARMA RAJA (*Edavagai*): I also do not move any of my amendments.

MR. L. R. RAJA RAJA VARMA (*Co-opted*): I too do not move any of my amendments in the printed paper.

The following amendments were not moved:

MR. L. R. RAJA RAJA VARMA:

1. Clause 3. In clause 3 (*b*), line 2, between "permissible" and "according" insert "or is."

Or

In clause 3 (*a*), lines 3 and 4, delete "subject to such..................they belong," and in 3 (*b*), line 2, delete "where such....................recognised usage," and insert before "shall be deemed.........................," in the same line, "subject to such restrictions of consanguinity and affinity, as are approved by the community or communities to which they belong,"—retaining all the while the same paragraphing.

2. Clause 3. In clause 3 between the second and third provisos insert the following proviso as a separate paragraph and consequently transfer "and" at the end of the second proviso to the end of the new third.

"Provided again, that no defect of marriage in not satisfying any of the conditions above imposed....................."

Or

"Provided again, that no defect of marriage arising out of non-compliance to any of the conditions and restrictions above imposed................"

Or

"Provided again, that no invalidity of a marriage" shall affect the status and rights of children born to parents after the registration of their marriage as provided for under Section 4 following."

The question that clause 3 as amended do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 4.

MR. RAMA VARMA RAJA (*Edavagai*): I beg to move that, in line 3, a *coma* be inserted between the words "*records*" and "evidencing."

MR. L. R. RAJA RAJA VARMA (*Co-opted*): I second it.

The amendment was put to vote and carried.

The question that clause 4, as amended, do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clauses 5 and 6.

The question that clauses 5 and 6 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clauses 7 to 13.

The following amendments were not moved:

Clause 7.

2. MR. K. P. NILAKANTA PILLAI: Clause 7, line 8:

Delete the new sentence that begins after the word "business" occurring in line 8.

3. MR. M. GOVINDAN: Clause 7, line 9:

Substitute "thousand" for "hundred."

Clause 9.

4. MR. K. P. NILAKANTA PILLAI: Clause 9, sub-clause (1):

Insert the word "reasonable" between the words "a" and "compensation" in line 3 of the proviso and delete the words "sum not exceeding one hundred rupees."

Clause 12.

5. MR. K. P. NILAKANTA PILLAI: Clause 12, sub-clause (1):

Delete the words "and separate property" occurring at the end of the clause.

Clause 12.

6. MR. K. P. NILAKANTA PILLAI: Clause 12, sub-clause (2):

Delete the whole of the first line except the word "the" and begin the word "the" with a capital "T."

7. MR. L. R. RAJA RAJA VARMA: Amendment to amendment No. 2 to clause 7 proposed by

MR. K. P. NILAKANTA PILLAI:

Add at the end of the amendment—to "dissolution" in line 10 and delete after "8" ".".

8. Amendment to amendment No. 5 clause 12 (1) proposed by

MR. K. P. NILAKANTA PILLAI:

Add at the end of the amendment 'and substitute' "except in matters connected with dissolution of the marriage" and delete "." after 'clause' at the end.

9. Amendment to amendment No. 6 to clause 12 (2) proposed by

MR. K. P. NILAKANTA PILLAI:

Add at the end of the amendment 'and substitute' "save as regards cases contemplated under sub-clause (1)" and delete the third one of the amendment.

10. Clauses 7 and 9. In clause 7, lines 8, 9 and 10, delete "the petitioner shall...... ....on dissolution," and

In clause 9, delete "and thereafter.......... ..on the amount adjudged."

Or

In clause 7, substitute also "The petitioner shall, in all cases, offer in the petition itself, reasonable compensation which need in no case exceed five thousand rupees where the petitioner is the husband and five hundred rupees where the petitioner is the wife for payment to the counter-petitioner at dissolution," and

In clause 9, retain "and thereafter proceed............, and award, by its order," and thereafter add "five thousand rupees where the petitioner is the husband and 500 rupees where the petitioner is the wife, as compensation," and retain the rest of the original clause substituting only "civil" in place of "small cause" and inserting between "shall be" and "executable" in sub-clause 3, "appealable and"; Insert also "and circumstances" between "status" and "of parties" in line 2 of proviso, paragraph 2.

New clauses after Clause 11. Insert the following 2 clauses as 12 and 13, and re-number.

I. "No Court shall entertain a suit for restitution of conjugal rights or for judicial separation between parties to a marriage under this Regulation (except where it is a marriage between a Kshatriya male and a Nayar female validated under the Nayar Regulation II of 1100)." or

the same deleting "or for judicial separation" in the amendment.

II. "Notwithstanding anything contained in any previous sections or in any other law, custom or usage, a Kshatriya minor female shall be deemed competent to refuse her, being married at the instance of her guardian, or to apply for divorce when married so without her being held liable for any compensation to be paid."

The question that clauses 7 to 13 do stand part of the Bill was then put to vote and carried.

The clauses were added to the Bill.

Clause 14.

The following amendment was not moved:

MR. L. R. RAJA RAJA VARMA : Clause 14, line 4

delete "after deducting……funeral."

The question that clause 14 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 15.

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : In sub-clause (3) in the last line the word "or" has to be inserted. That provision has been copied from the Nayar Regulation. The word "or" has to be inserted.

MR. RAMA VARMA RAJA (*Edavagai*) : I beg to move that in sub-clause (3), last line the word "or" may be inserted between the words "*him*" and "*in*."

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was put to vote and carried.

The question that clause 15 as amended do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 16.

MR. RAMA VARMA RAJA (*Edavagai*) : I move that in the last line after the word "*expenses*" a coma be inserted.

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was put to vote and carried.

The following amendment was not moved:

MR. L. R. RAJA RAJA VARMA : Clause 16, line 3:

delete "such property" and substitute "the whole of the self acquired and separate property left undisposed of by him at death" and insert "," between "expenses" and "equally."

The question that clause 16 as amended do stand part of the Bill was then put to vote and carried.

The clause was added to the Bill.

[Mr. L. R. Raja Raja Varma.]

Clauses 17 to 37.

The following amendments were not moved :

MR. L. R. RAJA RAJA VARMA :

Clause 17, line 4 delete "after meeting.........expenses"
,, 18 ,, 3 delete "similarly"
,, 19 ,, 3 delete "after meeting... ...expenses"
,, 20-lines 3 and 4 delete 'after meeting.........expenses"
,, 21 line 3 delete "similarly"
,, 22 ,, 3 delete "likewise"
,, 24 ,, 3 delete "after meeting.........expenses"
,, 25 ,, 3 delete "similarly"
,, 26 ,, 9 delete 'after deducting.........funeral".

Or

New clause. Add the new clause after clause 26 and re-number.

"All reasonable funeral expenses of the intestate shall be met by his or her legal heirs duly, out of the self-acquired and separate property left undisposed of by him or her at death, and where his or her religious or socio-religious heirs entitled to perform such funeral rites—according to custom and usage obtained in the community to which the intestate belong—happen to be different from those legal heirs recognised under this Regulation, such costs shall be given to those socio-religious heirs for the due performance of such funeral, at the time.

Clause 15 last line, insert "or" between "him" and "in."

Clause 16. Line 3, delete "such property" and substitute "the whole of the self-acquired and separate property left undisposed of by him at death" and insert "," between "expenses" and "equally".

New clause. After clause 28, insert the new clause under the same chapter and re-number.

"Legitimate as well as illegitimate children shall have equal rights and privileges".

Or

"Legitimate children exclude illegitimate children, and both other heirs, in rights and claims".

Or

"Illegitimate children shall have no rights and privileges as provided for under this Regulation, except such vested under general law".

Or

"Illegitimate children shall have no rights and privileges as provided for under this chapter."

Clause 33. In lines 3 and 4, delete "or execute kanam deeds for immovable properties" and insert "or execute kanam deeds for immovable properties of the Tarwad" at the end of the clause between "12 years" and "."

Clause 34. Delete in lines 4, 5 and 6 "such necessity shall................................if any".

Or

Delete in lines 5 and 6, "Senior Anandiravan of the...........any" and substitute "majority of the major members of the tarward at the time."

Clause 37. Delete "has acted in good faith" at the end of the clause and subsititute "has reasonably attempted in good faith to satisfy the same"

Or

insert "and the views of the other members of the tarwad in such respect" between "existence of necessity" and "has acted."

Or

delete whole of clause 37.

The question that clauses 17 to 37 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clause 38.

The following amendments were not moved :

MR. L. R. RAJA RAJA VARMA :

Clause 38. Delete lines 2 and 3 and substitute "and all the members thereof."

Or

Add at the end of the clause after comma instead of the present full-stop, "and in the case of tarwad consisting of single thavazhees only, all the major members thereof."

Or

Delete in lines 2 and 3 "collateral to the if any."

MR. RAMA VARMA RAJA (*Edavagai*): I beg to move the following amendment :

In line 2, delete the letter "*s*" at the end of the word "*anandaravans*" and add the word "*same*" at the end of the line.

MR. L. R. RAJA RAJA VARMA (*Co-opted*) : I second it.

The amendment was carried.

The question that clause 38 as amended do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 39.

The following amendment was not moved :

MR. L. R. RAJA RAJA VARMA:

Clause 39, line 3 between "shall be deemed to" and "be entitled" insert "require or."

The question that clause 39 do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 40.

The following amendments were not moved :

MR. L. R RAJA RAJA VARMA :

Clause 40. Delete in lines 3 and 4, from "husband" to "shall be" and substitute the following :—

"husbands' and unmarried major daughters or such of them without husbands, who remain so husbandless for no reasonable fault of theirs, and unmarried major sons or such of them without wives, who are incapacitated through mental or physical infirmity, both, when, not possessed of sufficient independent means of livelihood, shall be entitled to be maintained by the father, provided they live with him if he demands so— under his watch and care, or where he reasonably directs them to live, under his orders."

[Mr. L. R. Raja Raja Varma.]

Or

stop with "husbands" in line 3, and delete the rest of it.

MR. RAMA VARMA RAJA (*Edavagai*): I beg to move that in line 3 the letter "*s*" be inserted at the end of the word "*husband.*"

MR. L. R. RAJA RAJA VARMA (*Co-opted*): I second it.

The amendment was put to vote and carried.

The question that clause 40 as amended to stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clauses 41 to 53.

The following amendments were not moved:

MR. L. R. RAJA RAJA VARMA:

Clause 41. Delete lines 3 and 4 and substitute the text of the previous first suggestion (amendment) under clause 40 *i. e*, "husbands.........orders".

Or

delete the whole clause 41.

Clause 42. Line 2 between "his or her" and "children," insert "kshatriya or Non-kshatriya"; and after "children," and before "as the case may be" insert "or both".

Or

delete the whole clause 42.

New clause. Add the following clause after 42 and re-number.

"In awarding maintenance under Sections 40, 41 and 42, the Court shall have due regard to the means and circumstances of the person against and by whom maintenance is claimed and to the reasonable wants of the person claiming maintenance".

Clause 47. Delete completely.

Or

In line 4, after "setting off" and before "during such.........." delete "the liabilities incurred" and substitute the following:—"charges arisen, liabilities incurred and wastages committed on the tarwad property, through neglect of default or wilful committal of the karanavan during such management proper maintenance unpaid to the members of the tarwad being also counted as charges arisen during the period"

and add at the end of the clause, "if the karanavan chooses to press such claim then.".

Or

add at the end of clause 47 under separate paragraph "this provision shall apply only for partition under Section 43 and not under Sections 45."

Add the following as a separate paragraph thereafter.

"At the time of the first demand for partition, if the karanavan presses his claim on acquisitions detailed above, the net result of such balance value of his acquisitions shall be struck—positive or negative as the case may be, and that shall be added to or deducted from the karanavan's individual share which shall also be determined then.

The burden of proof in deciding such amount from records and accounts or other pieces of evidence necessary shall be on the Karanavan."

Additional clause after 53. Insert and re-number.

"change of religion or loss of caste shall not affect the legal rights of individuals to properties, as established under this Regulation."

Add the following additional clause after clause 53 and re-number:

"The provisions of this Regulation shall also apply to the members of the Samantha Community in Travancore, who at the date of commencement of this Regulation live under the joint tarwad system and are governed by the marumakkathayam system of inheritance, and who follow customs and usages similar to those of Kshatriyas.

21. Add the following clauses as an additional clause after clause 53 and re-number.

"any Udampadi or nischayapathram or family arrangement subsisting in force at the time of the commencement of this Regulation and made for any temporary arrangement in the tarwad shall be treated as null and void at the time of partition, while such purported for a permanent settlement with separate enjoyment and possession of properties effected shall not be disturbed at the time of partition."

The question that clauses 41 to 53 do stand part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

MR. RAMA VARMA RAJA (*Edavagai*): I move that the Bill as settled be taken up and passed at a subsequent meeting.

MR. L. R. RAJA RAJA VARAMA (*Co-opted*): I second it.

The motion was put to vote and carried.

THE WILLS REGULATION AMENDMENT BILL.

MR. P. S. MAHOMED (*Nominated*): സർ, വിൽസ്സ റഗ്ഗുലേഷൻ അമെൻറുമെൻറു ബില്ലിന് ഒരു സെലക്ററുകമ്മിററിയുടെ ആവശ്യമില്ല. മുസ്ലിം സക്സഷൻബില്ലിൻെറ സെലക്ററു കമ്മിററി തന്നെ ആ ബില്ലിനെപ്പററി വേണ്ട ആലോചനകൾ നടത്തുകയും റിപ്പോർട്ടിൽ അവരുടെ അഭിപ്രായം പറയുകയും ചെയ്തശേഷമാണ് ഈ ബില്ലുതന്നെ അവതരിപ്പിച്ചിട്ടുള്ളത്. അതിനാൽ ഈ ബില്ലിൻെറ രണ്ടാംവായന നടത്തണമെന്ന് ഞാനപേക്ഷിച്ചുകൊള്ളുന്നു.

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

MR. A. THANU PILLAI (*Trivandrum*): Does the member want the second reading to be gone through now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

PRESIDENT: Do you oppose, Mr. Thanu Pillai?

MR. A. THANU PILLAI (*Trivandrum*): We have not had notice of that fact, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Notice *has* been given, Sir. It has been mentioned in the agenda.

The motion was put to vote and carried.

Clause I.

MR. P. S. MAHOMED (*Nominated*):

In clause 1, line 2, after figures "110" add the figure "8;" and after "*come into force*" add the words "*at once.*"

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

The amendment was put to vote and carried.

The question that clause 1 as amended do stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 2 and the Preamble.

The question that clause 2 and the Preamble do stand part of the Bill was put to vote and carried.

The clauses and the Preamble were added to the Bill.

MR. P. S. MAHOMED (*Nominated*): ഭേദഗതിയോടുകൂടി പാസാക്കിയ ഈ ബില്ലിന്റെ മൂന്നാംവായന അടുത്ത മീററിങ്ങിൽ എടുക്കണമെന്നു ഞാനപേക്ഷിക്കുന്നു.

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

The motion was put to vote and carried.

THE CUTCHI MEMONS BILL.

MR. P. S. MAHOMED (*Nominated*). സർ, കച്ചിമേമൻസ്ബിൽ അവതരിപ്പിക്കുന്നതിനുള്ള അനുവാദം ചോദിച്ച അവസരത്തിൽ തന്നെ അതിന്റെ പ്രധാന തത്വങ്ങളെപ്പററി പ്രസ്താവിച്ചിട്ടുണ്ടു്. ബ്രിട്ടീഷ് ഇൻഡ്യയിലും അയൽ രാജ്യമായ കൊച്ചിയിലും, കച്ചിമേമൻസ് ഇപ്പോഴും ആചരിച്ചുവരുന്ന കസ്റ്റമറി ലാ മാററി മഹമ്മദൻ ലാ അനുകരിക്കത്തക്കരീതിയിൽ ഒരു ബിൽ പാസ്സാക്കി കഴിഞ്ഞു. എന്നാൽ തിരുവിതാംകൂറിലുള്ള ഈ സമുദായക്കാർ മാത്രം അവരുടെ പഴയ ലാ ഉടസ്സുകൊണ്ടു പോവുകയാണെങ്കിൽ, മഹമ്മദൻ ലാ അനുസരിച്ചു നടക്കുന്ന മററു കച്ചിമേമന്മാരോടു പല പ്രകാരത്തിലുള്ള സംബന്ധവും പ്രത്യേകിച്ചു വിവാഹബന്ധം പോലും ഉള്ള ഇവക്കു അതു വളരെ വിഷമതയ്ക്കു കാരണമാകുന്നതാണു്. അതുകൊണ്ടാണു ഈ ബിൽ ഇവിടെ

അവതരിപ്പിക്കുന്നതു്. ഈ സമുദായത്തിൽപെട്ട പലരും ഇങ്ങനെ ഒരു ബിൽ ആവശ്യമുണ്ടെന്നു പ്രജാസഭ വഴിയും മററും ഗവൺമെൻറിനോടു പറഞ്ഞപ്പോൾ മഹമ്മദൻ മെമ്പർ നിയമസഭയിൽ ഒരു ബിൽ കൊണ്ടുവന്നാൽ അതിലേക്കു വേണ്ട സഹായം ചെയ്യാമെന്നു ഗവൺമെൻറു വാഗ്ദത്തം ചെയ്തിട്ടുണ്ടായിരുന്നു. ഈ ബിൽ ഇവിടെ അവതരിപ്പിക്കുന്നതിനു അനുവാദം നൽകിയശേഷം ആൾ ഇൻഡ്യാ കച്ചിമേമൻസ് കാൺഫറൻസ് ഈ സംഗതിക്കായി ഒരു പ്രത്യേക കമ്മററിയെ നിയമിക്കുകയും, ആ കമ്മററി പല നിശ്ചയങ്ങളും പാസ്സാക്കി അയച്ച കൂട്ടത്തിൽ ഇവിടുത്തെ ഗവൺമെൻറിനും ഈ ബിൽ പാസ്സാക്കിത്തരണമെന്നു ഒരു പ്രമേയം അയച്ചിട്ടുണ്ടു്. അങ്ങനെ അയച്ചിട്ടുണ്ടെന്നു എനിക്കവരുടെ ലററർ കിട്ടിയിട്ടുണ്ടു്. ഇതു ഒരു സമുദായത്തിന് അത്യാവശ്യമായ ഒരു സംഗതിയായതുകൊണ്ടു് ഈ ബില്ലിൻെറ തത്വം സഭ ഐകകണ്ഠ്യേന സ്വീകരിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, this is the first reading of the Bill; and we are asked to accept the principle of the Bill. I have got to point out that this House can now merely accept the principle of the Bill and do nothing more. I do not know if it would be right on our part to accept the principle of this measure and thus fetter the hands of the new Legislature which alone can actually deal with this Bill. It is not possible for us to get through this Bill, in this Council. I think it would be better for Mr. Mahomed to wait for this measure till the new Legislature begins its work. So, I move that we pass on to the business next in order.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): I second it.

MR. P. S. MAHOMED (*Nominated*): സർ, ഇതിനു മുമ്പും ഇങ്ങനെയുള്ള അവസാന സന്ദർഭങ്ങളിൽ പല ബില്ലുകളും കൊണ്ടുവരികയും അതുകളുടെ തത്വം ഈ സഭ സ്വീകരിക്കയും അതിനു ശേഷം വരുന്ന മെമ്പർ ഈ ബില്ലുകളുടെ ചാർജ്ജ് വഹിച്ചു തുടർന്നുകൊണ്ടു പോകയും ചെയ്തിട്ടുണ്ടു്. അതുപോലെ ഈ ബില്ലിൻെറ തത്വവും സ്വീകരിച്ചാൽ ഇനി വരുന്ന മെമ്പറിന് അത്രയും ബുദ്ധിമുട്ടു കുറഞ്ഞിരിക്കും. ഇതു എൻെറ സമുദായത്തിനു വളരെ അത്യാവശ്യമായിട്ടുള്ളതും മററാൎക്കും ഉപദ്രവമില്ലാത്തതുമായ ഒരു സംഗതിയാണ്. ഇതിൻെറ പ്രിൻസിപ്പിളിനു വിപരീതമായ ഒരഭിപ്രായം ഒരൊററ മഹമ്മദൻകുഞ്ഞുപോലും പറഞ്ഞിട്ടില്ല. ഈ സ്ഥിതിക്കു ഈ ബില്ലിൻെറ തത്വം സ്വീകരിക്കേണ്ട എന്നു് ആരെങ്കിലും പറയുന്ന പക്ഷം അതു തെററാണ്. അതിനാൽ

[Mr. P. S. Mahomed.]

ഈ കൌൺസിലിൽ തന്നെ ഇതിന്റെ പ്രിൻസിപ്പിൾ സ്വീകരിക്കണമെന്നു പറഞ്ഞുകൊണ്ടു മി. കുഞ്ഞുകൃഷ്ണപിള്ളയുടെ തടസ്ഥത്തെ ഞാൻ എതിർത്തു കൊള്ളുന്നു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, it is not a question of *my* being interested in the postponement of the consideration of this measure. Admittedly, Mr. Mahomed, or the interest that he represents can get the benefit of the enactment only after the consideration of it by the new Legislature. It is not possible for us to pass it.

MR. P. S. MAHOMED (*Nominated*): My successor may take it up.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Why should we fetter the hands of the new Legislature? Why should we accept the principle of a Bill and ask our successors to pass it? As Mr. Mahomed admits it is a non-controversial measure. Then, why should we be in a hurry merely for getting the principle of the bill accepted by this Council? Why not we leave that also to our successors who alone can pass it into law? In fairness that is what we ought to do. I cannot for a moment understand what is to be gained by our finishing now the first reading alone. I think, as a matter of principle, we must leave it to the new Legislature to consider the principle of the Bill also. I therefore press my motion that we pass on to the business next in order in the agenda.

The motion was put to vote and lost.

The question that the House accepts the principle of the Bill was put to vote and carried.

MR. A. KUMARA PILLAI (*Secretary to the Legislative Council*): The title of the Bill is "The Cutchi Memons Bill".

MR. P. S. MAHOMED (*Nominated*): I do not wish to move now for the Bill being referred to a Select Committee.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, I beg to move that the business of the House may be postponed for the consideration of the Chitties Regulation Amendment Bill which we were discussing day before yesterday. We have done with the major portion of the Bill and, as I understand, this House will be sitting only for a day more and if that is so we may not be able to finish the Chitties Regulation Amendment Bill which we were discussing the other day. That Bill affects a major portion of the people of the country and it is considered to be an urgent Bill. If that Bill is not finished before this session is over, it is not likely that it is taken up before the new Council is constituted. Considering the urgency of the Bill, I submit that permission may be given to discuss the Chitties Regulation Amendment Bill and for that I rely upon standing order 26.

MR. K. C. CHANDI (*Minachil* cum *Devicolam*): I second it.

MR. A. THANU PILLAI (*Trivandrum*): Sir, are we to take it that the motion is that the Chitties Regulation Amendment Bill should be considered immediately?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Heads Sirkar Vakil*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): In that case I oppose the motion because the necessary papers are not with me. Of course, legislation is to be considered as a half shaped thing. We come to the House with the necessary papers for which we have been given notice and it is not proper for a member to come and say that we shall postpone the business that has been posted for the day and take up another thing. It is curious and strange. I have not got the necessary papers before me and I cannot take part in the discussion.

PRESIDENT: Can you get them in the tiffin interval?

MR. A. THANU PILLAI (*Trivandrum*): To be honest, I should confess that it is difficult for me because I have not arranged for any home servant to come here during the interval nor for my going home. It is very difficult for me and so I object to it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, I also object to it. This is a non-official day and the official business should not take up the scanty allowance that we get for non-official day.

PRESIDENT: The motion is brought forward by a non-official member.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Even then it is for an official business. By perpetrating that we will be deprived of the opportunity of discussing our own business. I think that claim of ours should be superior to the other.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to say one word on this motion. It is of course entirely for the House to accept or reject the motion. But if it is accepted and if there is any time left there is no objection to take up the Chitties Bill. That is to say, if all the business can be postponed then the time left can be utilised for official business.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I oppose the motion on the grounds stated by Mr. Kunjukrishna Pillai. It is very rarely that we get occasions to discuss important matters which are moved by non-official members. I think we will be depriving ourselves of an opportunity which we have obtained if we accept Mr. K. P. Abraham's motion.

MR. M. GOVINDAN (*Nominated*): Sir, I also oppose the motion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I also oppose the motion.

MR. RAMA VARMA RAJA (*Edavagai*): I also oppose the motion.

PRESIDENT: The House knows exactly what the position is The motion is that the business of the House which is to discuss resolutions on matters of public interest be postponed.

The motion was put to the vote of the House and lost.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

PRESIDENT: The next business is the discussion of resolutions. I may inform members that speeches have a time limit of ten minutes except in the case of the mover of the resolution when moving and the official member in charge who are allowed 20 minutes.

The following resolutions were not moved:—

LOCATION OF SHOPS VENDING TODDY, ARRACK AND GANJA.

1. MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): This Council recommends to the Government that no toddy, arrack or ganja shop be located at least within two furlongs of school, public offices, temples, mosques, churches and markets.

RECRUITMENT OF MAGISTRATES FROM THE BAR.

2. MR. K. KRISHNAN NAIR (*Pattanamtitta*): This Council recommends to the Government that in future fifty per cent of the Magistrates' vacancies be filled by direct recruitment from the bar.

DECLARATION OF KURICHITTIES AS ILLEGAL.

3. MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): This Council recommends to the Government that *kurichitties* be declared illegal by legistation.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, as the object of my resolution is served by the Chitties Regulation Amendment Bill now before the Council, I dot not propose to move my resolution.

SCHEME FOR THE DEVELOPMENT OF LIBRARIES IN THE STATE

4. MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): This Council recommends to the Government that a scheme be drawn up for the opening and development of libraries in the State.

ABOLITION OF EXPORT DUTY ON PRODUCTS OF THE COCOANUT TREE.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I beg to move the following resolution:—

> "This Council recommends to the Government that the export duty on products of the cocoanut tree be abolished."

Sir, as is very well known, the cocoanut industry is the most important industry in Travancore. We find that about 5½ lakhs of acres of land comprising about 30 per cent. of the cultivable area in the State, is used for the cultivation of cocoanut trees. This has been our industry from early times and in those good old days we had claimed monopoly for the cocoanut produce. But we find that now we have not such monopoly with regard to the products of the cocoanut tree in any of the markets, not even in our own market at Alleppey.

We find that the cocoanut produce of other countries are dumped into our markets to our disadvantage. This country is realising every year an amount which is almost equal to Rs. 3 crores and with the sum so obtained, I think a very large section of the population have been enabled to purchse Rangoon rice or any other rice for their livelihood. Unlike other big industries such as tea and rubber industry we find that cocoanut cultivation is carried on and owned by small proprietors. If we refer to our old Administration Reports and State Manuals, we find that there were only a very few people who did not own even one or two cocoanut trees. This industry is such an important one that it enables a very large section of the population to purchase even the goods necessary for their daily sustenance. But

what is the position of such cultivators at the present day? We find that the cocoanut cultivator is taxed for the land which he owns, for the tree he plants and for the produce which he obtains from that tree. For the land which is classed as the first *taram* the owner has to pay about 15 fanams as tax per acre. For one tree he has to pay one fanam. In one acre there may be a hundred trees. That means he will have to pay hundred fanams per acre.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Has he to pay for both?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes I think so.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): According to the Settlement Proclamation he need not.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The Financial Secretary may read it and explain it.

In one acre of garden land there may be some 3000 cocoanut trees. The tariff value on cocoanut at the present reduced rate is Rs. 44 on which he has to pay five per cent. as duty when he has to export them to other countries. So he has to pay a heavy tax on the land the tree, as well as the products. As I suggested, in early days we had the monoploy of Malabar copra which had so much demand in Europe and other countries.

MR. C. O. MADHAVAN (*Excise Commissioner*): Had Travancore a monopoly at that time?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I shall read from the State Manual if the Excise Commissioner has any doubt in regard to that. I said Malabar and not Travancore. Probably he did not hear me properly.

Now, Sir, this copra which is used in Europe and America is imported into Central India, Karachi, Calcutta and other places. We find that Ceylon copra is dumped at a very low low price at Alleppey. Ceylon copra is available at a lower price than our copra. That is the situation which faces the cocoanut cultivator at present in Travancore. Now the export duty is levied on these products. I do not think there is any justification for levying export duty on the raw products of a country. It is a very controversial question whether free trade or protection should be granted. Even where protection is granted it is protection by means of levying import duties on articles from foreign countries. Even conceding that protection may be granted, that protection has to be granted by levying import duties.

MR. R. NILAKANTA PILLAI : (*Financial Secretary to Government*): Is not duty levied for revenue purposes?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know the extent to which this export duty could be supported on the ground of financial purposes? In the early times we find that in our State the main items of income were the land revenue and custom,

[Mr. A. S. Damodaran Asan.]

We find that in the time of Ramaiyan Dalava, duty was imposed for transporting articles from one village to another. The State had very little income and so this item was absolutely necessary for the administration of the State. Later on it was found that it was not proper to have such restrictions as they were causing great oppression to the cultivators and giving the officers concerned opportunities to resort to corrupt practices to the detriment of the country and the State. These were abolished and the export duty on many of the articles were abolished. Even in 1069, the question of the abolition of export duty on cocoanut was considered. In the days of the Administration of Dewan Sankarasubbiyer C. S. E., it is stated :

"In giving expression to the foregoing views it is not at all intended to oppose or under-rate the principle of free trade. No doubt, to release trade from all taxation would be to ensure its full development and prosperity, and export duties are more open to objection than import duties. All that is meant to be advanced is that, as matters stand, Travancore has no choice between the two classes of imports, and that, with all its surplus receipts, it cannot afford to give up any of its sources of income, limited as they are, without impairing its financial condition and the means for meeting the growing demands of progressive administration." So this House will see that as early as 1069 when the revenues of the State was not even one-fourth of what it is now, Government recognised the necessity and importance of abolishing export duty. It is now conceded that the State finances do not permit that. Well, Sir, tens of items of taxation have been imposed on Travancore subjects afterwards. Travancore revenue has increased by four fold and the necessity for the abolition of this export duty has been impressed upon the Government very often. Nothing has been done so far.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): What about the increase in expenditure ?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): When our officers want to draw very high salaries and when they do not care for the interest of the country we know that the expenditure will run up. If Travancore Government is to get six lakhs of rupees more next year they will budget an expenditure for that amount. We know that Travancore Government will provide expenditure for as much money as they get. But the spending is not to the best advantage of the person who pays it.

Now the revenue of the State has increased by fourfold. If we refer to the report of the Economic Depression Enquiry Committee we find that at the close of 1106 when the tariff value of cocoanut was reduced from Rs. 60 to Rs. 43 the real value prevailing at Alleppey was between Rs. 15 and 17. So while the Government were levying only five per cent they were really levying 12 or 25 per cent duty. That is what the Government were doing. Now the price of cocoanut produce has gone down. The yield also has gone down. Cocoanut trees in

very large areas have been attacked by certain pests and the yield got from them is very small. Still the Government want to realise all these duties. The Account Officer has been asking whether the financial aspects of the question should not be considered. If we were seriously looking into the question of finances and careing for the promotion of the cocoanut industry in the State, which alone would help the prospects of State finances, I am sure that the export duty on these cocoanut products would have been abolished long before. The Economic Depression Committee unanimously moved a resolution to the effect that the export duties levied for fiscal purposes should be abolished. The official majority unanimously opposed this on the fear that their salaries would be reduced.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Did the non-official gentlemen propose it with a desire to reduce the pay of the officers?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : They had no such idea.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So they supported it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : If the prosperity of the State would be affected they will not be unreasonable to propose that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is not my question. My question is whether the non-officials supported it with the desire that the pay of the officials should be reduced.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I rise to a point of order. May I know whether all this is relevent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am asking the question whether that resolution was supported by the non-officials of the committee with the desire that the pay of the officials should be reduced.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : If the Law Member fully realise with what all objects various people are voting, what objects are actuating them, he would have known that it was for causes exactly contrary to those he is mentioning that they supported it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Is the member aware that I was a member of the committee?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Is he aware that I was always advocating that the salaries of officers should not be reduced?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Yes; I know that he has been advocating that inside this House and outside.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know whether the non-officials of the Committee said that pension should not be reduced?

PRESIDENT: You are out of order.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The Economic Depression Enquiry Committee also suggested that all export duties may be abolished. Of course, the committee, consisting of a majority of officials, did not like to accept it in that way. So they suggested that the matter may be referred to another committee thereby thinking that the issue could be temporarily shelved, and that the responsibility for making a representation asking for abolition may not be taken up by them.

The Economic Depression Enquiry Committee also says that the professors of economics in this State, Messrs. C. V. Chandrasekharan and Gopala Menon, have given evidence to the effect that these export duties should not be supported on any ground whatever.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Even on financial grounds?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): No, not even on financial grounds. Probably they know better methods of balancing the budget by cutting down expenditure. If they were consulted they would have suggested that.

MR. C. O. MADHAVAN (*Excise Commissioner*); What did the committee recommend?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): They stated that it may be referred to another committee. This is an intricate problem affecting the finances of the State and so they said that it may be referred to another committee. Government have not agreed to act upon most of the recommendations of the committee.

I want to say a word about finance. Last year, we found that our income from the various items was growing. That would be sufficient compensation for abolishing this duty. But I do not want Government to consider those aspects when considering the abolition of export duty. The Travancore Government have obtained about 11 lakhs of rupees as a share from the Cochin Harbour Scheme.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): We have not received that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): We believed the Financial Secretary when he stated in his speech that 11 lakhs of rupees will be received.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): But there are still a few months more for the year to elapse.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): He was saying that it was due at the close of 1932 April. 1932 April is over. That is what he stated in his speech We believed that statement and we are in the fond hope that it has been received.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I may inform the member that the amount has not been realised.

MR. A. S. DAMODARAN ASAN: (*Mavelikara* cum *Kartikapalli*): Then I must say that the Government have not been alert enough to realise their dues. If they had been alert in that matter as in the realisation of taxes they would have realised that long ago.

Again, they get a share in the petrol duty and this amount comes to about 4 lakhs of rupees. Therefore when all these revenues are coming in, the question of finance should not be pleaded as a ground for not abolishing the export duty.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): What would be the extent of financial loss if the export duty is abolished?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have calculated that. In the years 1104, 1105 and 1106 we find that the income under this Head was about 14 lakhs of rupees a year. In 1107, the export duty should have gone down somewhat, I think it would be about 11 lakhs of rupees because the tariff value has been reduced by about 20 per cent. We have not yet got statistics for 1107. The actual figures have not yet been supplied to us. I find that the yield of the tree has also gone down. I hope the Excise Commissioner will be able to give the actual figures. If it is 11 lakhs of rupees, it is only the amount that he would get from the Cochin Harbour scheme. So, that at least could be ear-marked for this purpose.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): According to the current year's budget a credit of 11 lakhs has been taken on account of the Cochin Harbour Scheme and the Budget has been balanced on that basis. So, that sum is not available for this purpose.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How the budget is balanced, the Financial Secretary must know better. Early in 1107 the Financial Secretary was fearing that the year would close with a deficit of 15 lakhs of rupees. By cutting down every item of expenditure somehow or other, and by the windfall from the Cochin Harbour Works, we have a balanced budget. Anyhow the actual figures have not been given to us for 1107 and I am not in a position to speak on that.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The actual figures have already been published in the Gazette.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I said they have not been given to us.

Sir, these are the grounds on which I wish to impress upon the House the absolute necessity of abolishing the export duty on the products of the cocoanut trees.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): തെങ്ങിൽ നിന്നുമുള്ള ഉൽപന്നങ്ങളുടെ കയററുമതി തീരുവ നിൎത്തണമെന്നുള്ള മി. ദാമോദരനാശാൻെറ പ്രമേയത്തെ ഞാൻ ബലമായി പിന്താങ്ങുന്നു.

MR. P. S. MAHOMED (*Nominated*): മെമ്പർ കച്ചവടപ്രതിനിധി എന്ന നിലയിൽ ആണോ സംസാരിക്കുന്നതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : ഞാൻ ഈ കൗൺസിലിൽ ഏതു നിലയിൽ നില്ക്കുന്നോ ആ നിലയിൽ തന്നെ സംസാരിക്കുന്നു.

ഈ എക്സ്പോർട്ടു ഡ്യൂട്ടി തിരുവിതാംകൂറിലല്ലാതെ ഇൻഡ്യയിൽ എവിടെയെങ്കിലും ഉണ്ടോ എന്നു സംശയമാണു്. അയൽ രാജ്യങ്ങളിലെന്നല്ല ഇൻഡ്യയിൽ തന്നെ ഒരു സ്ഥലത്തുമില്ല. വടക്കേ ഇൻഡ്യയിൽ ചണത്തിനു മാത്രമേ എറുമതി തീരുവയുള്ളു.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): അവിടെ തുകലിനു തീരുവയുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : അതു ചത്ത ജന്തുക്കളിൽനിന്നു മെടുക്കുന്നതാണല്ലോ, അല്ലാതെ കൃഷി ചെയ്തുണ്ടാക്കുന്നതല്ലല്ലോ. അത്ര വളരെ പ്രധാനമായി ബാധിക്കുന്ന ഒരു തീരുവയല്ല അതു്. ഇവിടത്തെ കൊപ്രയും വെളിച്ചെണ്ണയും അതുപോലെയല്ല.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Gvernment*) : ഇവിടെ നെല്ലിനു തീരുവയുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : ഇവിടെ നെല്ലു് അത്ര വളരെ എറുമതി ചെയ്യുന്നില്ല.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : ബർമ്മയിൽ നെല്ലിനും അരിക്കും തീരുവയുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ബർമ്മയിലെ കാര്യം നമുക്കിവിടെ അന്വേഷിക്കേണ്ടതില്ല. അയൽ രാജ്യങ്ങളിലെ സ്ഥിതിമാത്രം നോക്കിയാൽ മതി. ബർമ്മയിലെ എറാവും പ്രധാന ഉല്പന്നമായ ഒരു സാധനത്തിനു് അവിടെ ഒരു ചുങ്കം തീരുവ ചുമത്തിയിട്ടുണ്ടെന്നുവച്ചു് ഇവിടെയും ആ നയം തന്നെ സ്വീകരിക്കണമെന്നില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ബർമ്മയിൽ തേങ്ങക്കു തീരുവയുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ബർമ്മയിൽ തേങ്ങക്കു തീരുവയില്ല. എന്നാൽ കേരളത്തിന്റെ ഒരു പ്രത്യേക സമ്പത്താണു കേരവൃക്ഷങ്ങളും. അതിനെ സംബന്ധിച്ചു് അയൽ രാജ്യക്കാരെങ്ങും ചെയ്യാത്ത ഒരു കൊള്ളയാണു് ഗവൺമെൻറു ചെയ്യുന്നതു്.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): ബമ്മയിൽ നിന്നും തേങ്ങ കയററി അന്യരാജ്യങ്ങളിലേക്കു് അയക്കുന്നുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതെല്ലാം അവിടത്തെ കണക്കു നോക്കിപ്പറയേണ്ടതാണു്. എന്നാൽ സിലോണിൽ നിന്നും കൊപ്രാ ഇവിടെ വരുന്നുണ്ടു്. അതിനു തീരുവ വച്ചിട്ടില്ല. ഇവിടെ കഷകന്മാക്കു യാതൊരു തരത്തിലും മുമ്പോട്ടു പോകുവാൻ നിവൃത്തിയില്ലാത്തവിധം പ്രതിബന്ധങ്ങൾ വന്നു കൊണ്ടിരിക്കുന്നു. എന്തു കൃഷി ചെയ്യാം, എവിടെ കൃഷിചെയ്യാമെന്നെല്ലാം നോക്കികൊണ്ടിരിക്കുന്ന കഷകന്മാരെ വേണ്ടവിധത്തിൽ ഉത്സാഹിപ്പിച്ചു കൊണ്ടിരിക്കേണ്ടതായ ഗവമ്മെൻറു് അവരുടെ ഗതിയെ എല്ലാവിധത്തിലും തടയുകയാണു ചെയ്യുന്നതു്. സാമ്പത്തികാധഃപതനാന്വേഷണക്കമ്മററി റിപ്പോർട്ടിൽ അനുദ്യോഗസ്ഥ മെമ്പറന്മാരെല്ലാം ഈ കയററുമതി ചുങ്കങ്ങളെല്ലാം നിത്തണമെന്നു് ശക്തിയായി പറഞ്ഞിട്ടുണ്ടു്. ജനങ്ങളുടെ പൊതു അഭിപ്രായവും അതാണു്. ഇപ്പോഴം സാമ്പത്തികാധഃപതനം വളരെ കഠിനമായി വന്നിരിക്കുന്ന ഈ അവസരത്തിൽ ഇതിനെക്കാൾ കഷ്ടതരമായ ഒരനീതി ജനങ്ങളുടെ മേൽ ചെയ്യുവാനായി വേറെയൊന്നും കാണുന്നതല്ല. തേങ്ങക്കു മാത്രമല്ല, ചുക്കിനുണ്ടു്, മുളകിനുണ്ടു്, എല്ലാത്തിനുമുണ്ടു് തീരുവ. വിശേഷിച്ചും സാമ്പത്തിക വൈഷമ്യം കൊണ്ടു വളരെ വലഞ്ഞിരിക്കുന്ന ഈ അവസരത്തിൽ കർഷകന്മാരുടെ അവസ്ഥ കഷ്ടാൽകഷ്ടതരമാക്കി അവരുടെ മേൽ യാതൊരനുകമ്പയുമില്ലെന്നുള്ള തരത്തിൽ ഗവമ്മെൻറു കാണിക്കുന്നതു വളരെ പരിതാപകരമായ ഒരു സംഗതിയാണു്. ഗവമ്മെൻറിനെ അഭയം പ്രാപിച്ചിരിക്കുന്ന സാധുക്കളുടെ മേൽ വലുതായ ഭാരമാണു ഗവമ്മെൻറു ചുമത്തിയിരിക്കുന്നതു്. എത്ര ദാരിദ്ര്യത്തിൽ കർഷകരിരുന്നാലും ഈ ഡ്യൂട്ടി കുറക്കുവാൻ പാടില്ലെന്നാണു ഗവമ്മെൻറിൻെറ നിർബ്ബന്ധം. ഒരു കാരുണ്യമേറിയ ഗവമ്മെൻറിൻെറ നയം ഈ വിധത്തിലായിരിക്കാമോ? സ്വന്തം പ്രജകളുടെ നേരെ വളരെ കാരുണ്യത്തോടുകൂടി ഇരിക്കേണ്ട ഗവമ്മെൻറു മറെറാരു രാജ്യത്തിലുമില്ലാത്ത ഒരു നിലയിൽ അവരെ ഇപ്രകാരം കഷ്ടപ്പെടുത്തുന്നതു് ഒരു ധമ്മ രാജ്യത്തിലെ ഗവമ്മെൻറിനു് ഒരിക്കലും വിഹിതമായ ഒരു കാര്യമല്ല. കയററുമതി തീരുവ എല്ലാം നിത്തേണ്ടതാണെന്നുള്ള പ്രമേയം ഞാൻ പല കുറി ഗവമ്മെൻറിലേക്കയച്ചിട്ടുള്ളതാണു്. എന്നാൽ അതിതുവരെ ബാലട്ടിൽ വന്നിട്ടില്ല. ഇപ്പോൾ അതിൽ ഒരൊററ വിഷയത്തെപ്പററി—അതായതു് തെങ്ങിൽ നിന്നുമുള്ള സാധനങ്ങളുടെ കയററുമതി

[Mr. Tariatu Kunjitomman.]

ത്തീരുവ നിൎത്തണമെന്നുള്ള പ്രമേയമാണ് മി. ആശാൻ കൊണ്ടു വന്നിരിക്കുന്നതു്. ഇതു് ഏററവും അത്യാവശ്യമായിട്ടുള്ള ഒരു കാൎയ്യമാണ്. ഞങ്ങൾ ഇതു് വോട്ടിനിടാതെ തന്നെ ഗവൎമ്മെൻറിതു സമ്മതിച്ചു തരേണ്ടതാണ്. പട്ടണത്തിൽ ഇരിക്കുന്നവർ നാട്ടിൻ പുറങ്ങളിലുള്ളവരുടെ സ്ഥിതി അറിയുന്നില്ല. പട്ടണങ്ങളിൽ ഉദ്യോഗസ്ഥന്മാരേ കാണുവാൻ കഴിയുകയുള്ളൂ. ഈ ക്ഷാമകാലത്തും അവിടെ പണ്ടത്തെപ്പോലെയുള്ള ആഡംബരങ്ങളും മററും കാണുവാൻ കഴിയും. എന്നാൽ കുഗ്രാമങ്ങളിൽ കിടക്കുന്ന കൎഷകന്മാരുടെ സ്ഥിതിയാണെങ്കിൽ ദാരിദ്ര്യത്തിലാണ്ടു മരവിച്ച് ആകപ്പാടെ ഇരുളടഞ്ഞു കിടക്കുന്ന ഒരു സ്ഥിതിയാണിപ്പോഴവിടെയുള്ളതു്. അതുകൊണ്ടു് ഏതെല്ലാം പ്രകാരത്തിൽ കൎഷകരെ സഹായിക്കുവാൻ കഴിയുമോ അതെല്ലാം ഈ അവസരത്തിൽ തന്നെ ഗവൎമ്മെൻറു ചെയ്യേണ്ടതാണ്. വളരെ സമാധാനം കൎഷകന്മാൎക്കുണ്ടാകും ഈ കയററുമതി നിൎത്തിയാൽ. സാധനങ്ങൾക്കെല്ലാത്തിനും തന്നെ തീരുവ കുറക്കേണ്ടതാണെന്നാണ് എൻെറ അഭിപ്രായം.

MR. R. NILAKANATA PILLAI (*Financial Secretary to Government*): കയറിൻെറ തീരുവയും കുറക്കേണ്ടതാണെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): എല്ലാ ഉല്പന്ന സാധനങ്ങളുടെയും തീരുവ കുറയ്ക്കേണ്ടതാണ്.

MR. R. NILAKANATA PILLAI (*Financial Secretary to Government*): കയറിൻെറ തീരുവ കുറയ്ക്കുകയാണെങ്കിൽ അതു് ഇവിടത്തെ കയററു വ്യവസായത്തിനു തടസ്സമായി വരുകയില്ലേ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മെമ്പർ ഇങ്ങനെ ചോദിച്ചതുകൊണ്ടു കൊപ്രയുടെ തീരുവ നിൎത്തുന്നതിനു വിഷമമില്ലെന്നാണല്ലോ പറയുന്നതു്.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): അല്ല. ഞാനൊരു സംശയം കൊണ്ടു ചോദിച്ചതാണ് ചകിരിയുടെ തീരുവ നിൎത്തിയാൽ ഇവിടത്തെ കയററു വ്യവസായത്തിന് അതൊരു തടസ്ഥമാകുകയില്ലയോ?

MR TARIATU KUNJITOMMAN (*Commerce and Indstry, North*): തടസ്ഥമായി വരുമെന്ന് എനിക്കു തോന്നുന്നില്ല. കൊച്ചിയിലും മററും കയററുമതി തീരുവയില്ല. എന്നിട്ടും അവിടത്തെ കയററുവ്യവസായത്തിൻെറ പുഷ്ടിക്കു കുറവില്ല.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) കൊച്ചിയെക്കാൾ തിരുവിതാംകൂറിലാണോ കയററാഫീസ് കൂടുതലുള്ളത്? അതല്ല ബ്രിട്ടീഷിൻഡ്യയിലോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : ഇതെല്ലാം അന്വേഷിച്ചറിഞ്ഞു തിട്ടപ്പെടുത്തി കണക്കു തരേണ്ട ഫിനാൻഷ്യൽ സെക്രട്ടറി ഞങ്ങളോടു ചോദിക്കുന്നതു ശരിയല്ല.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : ഫിനാൻഷ്യൽ സെക്രട്ടറിക്ക് ആ ചുമതലയില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) ഇവിടത്തെ ഫിനാൻഷ്യൽ കാര്യത്തെപ്പററി പ്രത്യേകം അന്വേഷിച്ചുകൊണ്ടിരിക്കുന്ന മെമ്പർ അയൽ രാജ്യങ്ങളിലെ സ്ഥിതിയെപ്പററി പ്രത്യേകം അന്വേഷിക്കേണ്ടതാണ്. മററുള്ള രാജ്യങ്ങളിലും കയററു വ്യവസായം ഭംഗിയായുണ്ട്. എന്നാൽ അവിടെ എങ്ങും കയററുമതി തീരുവയില്ല. അതുകൊണ്ട് മി. ആശാൻ ഇവിടെ അവതരിപ്പിച്ച ആ പ്രമേയത്തെ ഞാൻ ബലമായി പിൻതാങ്ങുന്നു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I also rise to support the resolution that has been moved by Mr. Damodaran Asan. Sir, the export duties are generally a levy on the producer. That levy has been condemned both by theorists and practical administrators. If at this late hour, there seems to be any doubt on the official side with regard to that, I may read from the Indian Fiscal Commission's Report to show their opinion with regard to export duties in general. They say,

> "Our general conclussion, therefore, is that ordinarily an export duty tends to fall on the home producer and consequently to discourage production, except in the case of a monopoly : that even monopolies are endangered by any considerable rise in price ; and that therefore a heavy export duty even on a monopoly may be paid in part by the home producer as a preferable alterrative to risking the loss of the monopoly by an attempt to pass on the whole of the duty to the consumer."

Here we have got a duty on every item of produce of the cocoanut palm except perhaps mats and mattings and coir rugs. On every other produce of the cocoanut palm, an export duty is levied. If we go into the question, the duty on copra is a duty imposed for the purpose of protecting the oil industry and the duty on coir yarn is a duty imposed for the purpose of protecting the mats and matting industry. Then with regard to the duties on articles imposed for the purposes of protecting an industry the Fiscal Commission, which I hope everybody will admit, is an expert body, say thus :

> "Export duties in India are frequently advocated both for purposes of protection and revenue. We proceed in the first place to examine in the light of the conclusions stated above the policy of protecting industries by the imposition of export duties. It is not denied that an export duty may form a potent method of protecting an industry. It either raises the cost of the raw material in foreign countries or depresses the cost of the raw material at home. In either case the home manufacturer has the benefit of getting his raw meterial at a lower cost than his rivals abroad. The peculiar characteristics of a protective export duty lies in the fact that the protection operates on the raw

[Mr. K. Kunjukrishna Pillai.]

> meterial of the industry, and therefore places the whole foreign product at a disadvantage, whereas a protective import duty merly affects such portion of the foreign product as would ordinarily come to the protected market."

I do not wish to read the whole of it. Various arguments are given as to how in the case of monopolies, where alone it has been accepted that they may be lightly introduced, it may give rise to the stimulus given to other people to have new industries and thus destroy our industries. As a means of protecting industries, export duties have been condemned, and the only ground on which, under certain circumstances, export duties have been admitted was for revenue purposes.

It is stated thus:

> "From this principle we deduce the rules for export duties for revenue purposes should be employed sparingly and with great caution that they should be imposed only on articles in which India has a monopoly or semimonopoly and that in every case the duties should be moderate."

In such cautious terms the Indian Fiscal Commission has recommended the levying of export duties in the case of monopolies and that also sparingly, for extreme necessities, in connection with revenue purposes. If we look at the question of the duty imposed on copra it will be seen that it is primarily imposed as a protective duty to safeguard our interests on cocoanuts as well as oil. Sir, it is a very hotly debated question and the Economic Depression Enquiry Committee has referred to that and the arguments for and against has been placed before us. I do not want to go into that at length. Even the majority of the members of that Committee says that no real case has been made out, for a revision of these imposts. They suggested the appointment of a tariff board to go into the question. It has been pointed out by non-officials of the Board in very strong language that these export duties are unjustifiable. Dr. Madhavan Pillai who was a member of the Committee and who has got intimate experience with the ryots in our land has stated in unmistakeable terms that the levying of export duty is very dangerous to us and he quotes various authorities in support of his position. Mr. S. Krishna Iyer another non-official who contributes a dissenting minute also says that it is ruinous to the country and he also points out how in British India which had so long a list of 97 articles for export duties has reduced the list to 9 and further on to 3 commodities. It has been accepted by all civilised governments as an anachronism in every sense of the word.

With regard to the coir yarn industry and export duty thereon, it has been very clearly argued by the Economic Depression Enquiry Committee that the coir yarn has a very wide market and the mats and matting industry that we are having in our country is not in need of such protection. That has been very clearly pointed out by the Economic Depression Enquiry Committee. They say that the mats and matting industry in England is not successfully competing with the mats and matting industry in India owing to the heavy cost of labour; and they are able to give these finished articles made of coir only from 15 to 20 percent. higher than the cost at which we are able to supply.

Another competetor with regard to this mats and matting industry is America. The condition there is much worse than that of England. Under every circumstance it has been pointed out that the mats and matting industry is in no need of protection, because it is without a successful rival in the continent. They have also pointed out the danger of possible substitutes that may be raised up in the continent if we are going to levy these export duties on coir. Zechoslovokiya is producing substitutes for these mats and matting. There are also other countries that are producing substitutes from hemp; and other possible rivals have been very clearly pointed out. The question of penny-wise and pound-foolish policy of extracting the utmost from a product like this has been very clearly pointed out in the case of salt petre, by the Fiscal Commission. We in India had almost a monopoly of saltpetre. The British Government went on increasing the duty on it. The manufacturers in Bengal petitioned to Government imploring them to reduce the duty and pointed out to them the necessity of reducing it at an early date. Otherwise, the industry may die out. People in Europe were busy racking their brains to find out a substitute for saltpetre. When the Government of India woke up to the seriousness of the situation, it was too late. Saltpetre was produced by means of artificial methods and our industry in India, to that extent, sustained a heavy loss. Such a fate for coir industry is very likely to come in Travancore. There are nearly 200,000 people scattered throughout the State, and they are the most ill-organised industrialists in our country. Their voice has not been properly put forth and their demands have not been properly presented in contradistinction with other industries like mats and matting industry. With regard to the oil mill industry I wish to say a few words. The only argument that appeal to me is that the oil mills will be a permanent consumer of our cocoanut products throughout the year and on account of that fact that industry deserves some sort of protection from Government. When once it was possible for Ceylon copra to be dumped in, the millowners took to that and left the producers of this country in the lurch. We have been able to give protection for it for about 30 years and we must see whether it is not possible for it to stand on its own legs. It is not often wise to have artificial protection. The chief defect of the oil mill industry is the absence of improved methods of extracting oil. We do not extract as much oil here as we could by improved machinery. Even a protective tariff on cocoanut for the sake of oil industry should not be encouraged at this time when the producer of copra is in imminent danger of neglecting his cultivation of cocoanut which is the only mainstay of the State. I would draw the attention of Government to the very fervent appeal made by Mr. Watts, late Dewan of Travancore, towards the end of his article in the Asiatic Review, on the general improvement in the economic condition of the people:

[Mr. K. Kunjukrishna Pillai.]

"But circumstances are rapidly changing; quasi-monopolies are disappearing and competitive production is growing. Once more it is imperative for Travancore to think and act and organise, as Raja Kesava Das and Raja Sir. T. Madhava Rao did not regard to itself as polype in polypidom, as a district of a province but as a State with all a State's commercial attibutes and responsibility to be exercised to the full to safeguard an imperilled economic Position. Trade must perforce use its tentacles; and tentacles must seek and secure contacts."

PRESIDENT: Your time is up.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I am sorry I am not able to do full justice to this very big question.

MR. M. N. NARAYANA MENON (*Kottayam*): സർ, ഞാൻ മി. ദാമോദരൻ ആശാൻ ഹാജരാക്കീട്ടുള്ള പ്രമേയത്തെ ഹാർദ്ദമായി അനുകൂലിക്കുന്നു. ഇന്ന് ഈ സഭയിൽ അനുദ്യോഗസ്ഥ ഭാഗത്തുനിന്നും പല വിഷയങ്ങളും ഹാജരാക്കിയിരിക്കെ അതൊന്നും തന്നെ അതാതിന്റെ പ്രയോക്താക്കൾ അവതരിപ്പിക്കാതെ ഇതുമാത്രം അവതരിപ്പിച്ചതിൽ നിന്നും തന്നെ എക്സ്പ്പോർട്ടു ഡ്യൂട്ടികൊണ്ടു ജനങ്ങൾക്കു സാമാന്യത്തിലധികമായ സങ്കടമുണ്ടെന്നു പ്രത്യക്ഷപ്പെടുന്നതാണ്. ഈ രാജ്യത്തെ ജനങ്ങളുടെ ധനസ്ഥിതി വളരെ പരിതാപകരമായ ഒരു നിലയാണിരിക്കുന്നതെന്ന് ഈ കൌൺസിലിൽ നിന്നും നോക്കിയാലോ, അല്ലെങ്കിൽ ടൌണിൽ നിന്നോ അല്ലെങ്കിൽ മററു പ്രധാനപ്പെട്ട സ്ഥലങ്ങളിൽനിന്നും നോക്കിയാലോ കാണാൻ സാധിക്കുന്നതല്ല. ഉൾനാട്ടുകളിൽ ചെന്നു നോക്കിയാൽ ജനങ്ങൾ അനുഭവിക്കുന്ന വിഷമതകൾ കാണ്മാൻ കഴിയും. ഈ രാജ്യത്തെ പ്രധാനപ്പെട്ട കൃഷിസാധനങ്ങളായ തേയില, റബ്ബർ ഇവയുടെ വില വളരെ പരിതാപകരമായ വിധത്തിൽ കുറഞ്ഞിരിക്കുന്നു. എന്നാൽ ഈ വിഷമതകളെല്ലാം ജനങ്ങൾ സഹിച്ചു കൊണ്ടു പോകുന്നതു തെങ്ങിൽ നിന്നും കിട്ടുന്ന തുച്ഛമായ ആദായം കൊണ്ടാണ്. മി. ദാമോദരൻ ആശാന്റെ പ്രസംഗത്തിൽ നിന്നും തിരുവിതാംകൂറിൽ അഞ്ചരലക്ഷം ഏക്കറോളം തെങ്ങു കൃഷി ചെയ്യുന്നുണ്ടെന്നു കാണ്മാൻ കഴിയും. റബ്ബർ മുതലായ കൃഷികൾ ചുരുക്കം ചില ആളുകൾ അനേകം ഏക്കർ ഒന്നിച്ചു കൃഷി ചെയ്യുകയാണു ചെയ്യുന്നതു്. എന്നാൽ അഞ്ചരലക്ഷം ഏക്കർ തെങ്ങു കൃഷി സ്ഥലമാകട്ടെ അഞ്ചാറുലക്ഷം ജനങ്ങളുടെ വകയായിട്ടാണിരിക്കുന്നതു്. ഒന്നുരണ്ടു തെങ്ങെങ്കിലും ഇല്ലാത്ത വീടുകൾ വളരെ ചുരുക്കമാണ്. ഇവരൊക്കെ തെങ്ങിൽ നിന്നുമുള്ള വിഭവങ്ങൾകൊണ്ടു ഉപജീവനം കഴിച്ചുകൂട്ടി വരികയാണ്. എന്നാൽ ഈയിടെ നാളികേരത്തിനുണ്ടായിട്ടുള്ള വില കുറവുനിമിത്തം അവർ അനുഭവിച്ചു വരുന്ന ബുദ്ധിമുട്ട് ഒട്ടും ചില്ലറയല്ല. ഈ ആണ്ടു കന്നി ൧൫-ാംനു-വരെ നാളികേരത്തിന് ൧

ഒരുവിധം തൃപ്തികരമായ വില കിട്ടിക്കൊണ്ടിരുന്നു. അതിനുശേഷം കൊളമ്പു കൊപ്രായുടെ വരവോടുകൂടി നാടൻ കൊപ്രായുടെ വിലയ്ക്കു സാരമായ കുറവു തട്ടീയിട്ടുണ്ട്. ഈ ആണ്ട് ഒക്ടോബർ ൪-ാംനുയിലെ ആർ. ഒ. സി. ൨൫൭൭-ാം നമ്പർ ഗവണ്മെന്റുത്തരവു പ്രകാരം കൊളമ്പു കൊപ്രായ്ക്കോ അതിൽ നിന്നും എടുക്കുന്ന വെളിച്ചെണ്ണയ്ക്കോ ഡ്യൂട്ടി കൊടുക്കേണ്ട എന്നാണു വച്ചിരിക്കുന്നതു്. കഴിഞ്ഞ ഒരു ദിവസം ഈ സഭയിലെ ഉദ്യോഗസ്ഥാനുദ്യോഗസ്ഥന്മാർ ചേർന്നു ഇംപോർട്ടു ഡ്യൂട്ടി കൂട്ടണമെന്നു ഒരു റസല്യൂഷൻ ഐകകണ്ഠ്യേന പാസ്സാക്കി. ഇൻഡ്യാഗവണ്മെന്റിനയച്ചുവെങ്കിലും അതുകൊണ്ടു ഒരു ഫലവുമുണ്ടായില്ല എന്നു് അടുത്ത ഗസറ്റു കൊണ്ടു മനസ്സിലായി. ബ്രിട്ടീഷ് ഗവണ്മെന്റിൽ നിന്നും എക്സ്പോർട്ടു ഡ്യൂട്ടി കുറയ്ക്കരുതോ എന്നു ചോദിച്ചാൽ എന്തുസമാധാനം പറയും. എക്സ്പോർട്ടു ഡ്യൂട്ടി കുറച്ചാൽ വരുമാനം കുറഞ്ഞു പോകുകയില്ലയോ എന്നു ഫിനാൻഷിയൽ സെക്രട്ടറി സംശയിക്കുന്നതായി സൂചിപ്പിച്ചു. എന്നാൽ ജനങ്ങളെ ഞെക്കിപ്പിഴിഞ്ഞു നികുതി ഈടാക്കാൻ എത്രമാത്രം സാധിക്കുമെന്നുള്ളതിനെപ്പററി ഗൗരവമായി ഗവണ്മെന്റു് ആലോചിക്കണമെന്നു കൂടി എനിക്കപേക്ഷയുണ്ടു്. കൊച്ചി തുറമുഖത്തിൽ നിന്നും പത്തുലക്ഷം രൂപാ കിട്ടുമെന്നു ആശിക്കാമെന്നാണു ബഡ്ജററു കൊണ്ടു കാണുന്നതു്. ഇതൊരു പുതിയ ആദായ മാർഗ്ഗമായതുകൊണ്ടു എക്സ്പോർട്ടു ഡ്യൂട്ടി കുറച്ചാൽ തന്നെയും ഗവണ്മെന്റിനു നഷ്ടമൊന്നും വരാനില്ല. നമ്മുടെ കൊപ്രാ ധാരാളമായി ആവശ്യപ്പെട്ടുകൊണ്ടിരുന്നതു കൽക്കട്ടാ, കറാച്ചി, ബാംബെ മുതലായ സ്ഥലങ്ങളിലാണു്. അതിൽ കൽക്കട്ടാ നമ്മുടെ കൊപ്രാ തീരെ വേണ്ടെന്നു വച്ചു കഴിഞ്ഞു. ഇനി ബാക്കിയുള്ള സ്ഥലങ്ങൾ കറാച്ചിയും ബാംബെയുമാണു്. കൊളമ്പു കൊപ്രാ ആട്ടി എടുക്കുന്ന എണ്ണ ഇവിടെ നിന്നും അയച്ചു കൊണ്ടിരുന്നാൽ മലബാർ കൊപ്രാ എണ്ണയ്ക്കുള്ള മെച്ചം കുറഞ്ഞു പോകയും തന്നിമിത്തം നമ്മുടെ കൊപ്രാ മാർക്കററു് ഇടിഞ്ഞു പോകയും ചെയ്യുമെന്നുള്ളതിൽ യാതൊരു സംശയവുമില്ല. അതിനാൽ കൊളമ്പു കൊപ്രായ്ക്കു തീരുവയില്ലെന്നു വച്ചിരിക്കുന്ന ആർഡർ ഉടനടി റദ്ദാക്കണമെന്നുള്ളതാണ് എന്റെ അപേക്ഷ. അങ്ങനെ ചെയ്യുകയാൽ നമ്മുടെ കൊപ്രായ്ക്കു ഇപ്പോഴത്തെക്കാൾ സ്വല്പം കൂടി കൂടുതൽ വില കിട്ടുന്നതാണു്. വൃശ്ചികം ൧൧൦൯-ൽ നടന്ന കൊച്ചി നിയമസഭയിൽ ജനപ്രതിനിധികൾ ഇതിനെപ്പററി പറഞ്ഞപ്പോൾ ഗവണ്മെന്റു അവരോടുകൂടി വേണ്ട അന്വേഷണങ്ങൾ നടത്താമെന്നു പറഞ്ഞിട്ടുണ്ട്. ഇതി

[Mr. M. N. Narayana Menon.]

നം പുറമേ കൊച്ചിക്കാക്ക് വേറെ ഒരാനുകൂല്യം കൂടിയുണ്ട്. Government of India -യുടെ കമ്മേർഷിയൽ മെമ്പറായ മി. ഭോർ താമസിയാതെ കൊച്ചിയിൽ വരുന്നുണ്ടെന്ന് അറിയുന്നു. അദ്ദേഹം അവിടെ വന്നാൽ അവിടത്തെ സ്ഥിതിഗതികൾ നേരിട്ടു കണ്ടറിയുന്നതിനും കൊച്ചിക്കാർക്ക് എന്തെങ്കിലും ആനുകൂല്യം കിട്ടുമെന്നു ആശിക്കുന്നതിനും വഴിയുണ്ട്. ആ അവസരത്തിൽ നമ്മുടെ സ്ഥിതി എന്തായിരിക്കും? ഇവിടെ കൊപ്രായ്ക്കു തീരുവ വച്ചിരിക്കുന്നതു് ഇവിടെയുള്ള മില്ലുകാരെ സഹായിക്കുന്നതിനാണെന്നാണ് പറയുന്നതു്. ഇവിടെ ആകെ ൩൦ മില്ലിൽ അധികമുണ്ടെന്നു തോന്നുന്നില്ല. ഈ മില്ലുകളിൽകൂടി പോയാൽ നാലയ്യായിരം ജനങ്ങളിൽ കൂടുതൽ ബന്ധപ്പെട്ടും കാണുന്നതല്ല. ഇത്രയും ജനങ്ങളുടെ സൌകൎയ്യത്തിനായി തെങ്ങു കൃഷിയുള്ള ലക്ഷം ജനങ്ങളെ ബുദ്ധിമുട്ടിക്കണമെന്നു വിചാരിക്കുന്നതിന്റെ ഉദ്ദേശം മനസ്സിലാകുന്നില്ല. ഇപ്പോൾ തന്നെ ജനങ്ങൾക്കു ചുമക്കാൻ പാടില്ലാത്ത തരത്തിലുള്ള നികുതി ചുമത്തിക്കഴിഞ്ഞു. ഇനി ഏതു നിലയിലാണു നികുതി വർദ്ധിപ്പിക്ക? നിശ്ചയമായും ജനങ്ങളെ കൂടുതൽ ബുദ്ധിമുട്ടിച്ചാലെ സാധിക്കുകയുള്ളു. അങ്ങനെ ജനങ്ങളെ ബുദ്ധിമുട്ടിക്കാതെ ഗവണ്മെന്റിന്റെ ആദായം വർദ്ധിപ്പിക്കുന്നതിനുള്ള വഴികൾ വല്ലതും കണ്ടു പിടിക്കണം. ഇത്രയധികം കടൽ തീരങ്ങളുള്ള ഒരു രാജ്യം ഇൻഡ്യയിൽ വേറെ ഒന്നും തന്നെയില്ല. ഈ കടൽ തീരങ്ങളെ ഏതെങ്കിലും തരത്തിൽ പ്രയോജനപ്പെടുത്തുവാൻ നിവൃത്തിയുണ്ടോ എന്നുള്ള സംഗതി ഗവണ്മെന്റു ഗാഢമായി ചിന്തിക്കണം.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വനങ്ങളിലുള്ള സ്വാമ്പി ഏറിയാ കൃഷി ചെയ്യുന്നതിനു പതിച്ചു കൊടുക്കുന്നതു ഗവണ്മെന്റിനു ആദായമുണ്ടാകുന്ന ഒരു മാൎഗ്ഗമല്ലെ?

MR. M. N. NARAYANA MENON (*Kottayam*): അതെ. അതിനാൽ ഗവണ്മെന്റ് ഉടനടി ചെയ്യേണ്ടതു കൊളമ്പു കൊപ്രായ്ക്കു ചെയ്തുകൊടുത്തിട്ടുള്ള ആനുകൂല്യം പിൻവലിക്കയും എക്സ്പോർട്ടു ഡ്യൂട്ടി നിൎത്തുകയും ആണ്. ഈ അഭിപ്രായത്തോടുകൂടി ഞാൻ മി. ദാമോദരൻ ആശാന്റെ പ്രമേയത്തെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. C. O. MADHAVAN (*Excise Commissioner*): Sir, I oppose the motion brought forward by Mr. Damodaran Asan. To begin with, the monopoly which we once had in regard to cocoanut and other products of the cocoanut tree has now sustained a heavy blow. I would ask Mr. Asan whether we have lost the monopoly, on account of the imposition of export duty, on products such as cocoanut and oil. I am sure that he would not allege this as a ground for the loss of mono-

the west coast of India, is not the only country that produces cocoanut to a considerable extent. There are also other countries which have taken to this cultivation. They have been able to produce cocoanut and other products of the tree to a great extent. It is only natural under such circumstances that we should lose the monopoly which we once had. The imposition of export duty has absolutely nothing to do with the loss in the monopoly claimed by Mr. Asan.

Coming to the duty itself, the members must understand that it is imposed with a double purpose, partly for revenue purposes and partly for protecting native industries. I should regard it as mainly for revenue purposes.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Can the member tell us when the oil mills came into existence in Alleppey?

MR. C. O. MADHAVAN (*Excise Commissioner*): About 35 years ago.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know from the member when was the export duty imposed?

MR. C. O. MADHAVAN (*Excise Commissioner*): As long as I have been able to see, there was export duty.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): So am I to understand from the member that he is not in a position to say when the export duty came into existence with the object of protecting the oil industry?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not know. I have not noted when the duty was first imposed and when cocoanut oil began to be exported.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the prime consideration of Government is revenue realisation or the protection of the oil industry?

MR. C. O. MADHAVAN (*Excise Commissioner*): In this case the prime consideration of Government is the realisation of revenue.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): If that is so, may I know why Government should be so very careful with regard to the ratio of export duty as between cocoanut and oil?

MR. C. O. MADHAVAN (*Excise Commissioner*): The difference in rate is for protecting the oil industry.

Coming to the duty itself, I find that for the last ten years the average duty realised on the products of the cocoanut tree per annum was a little over Rs. 14 lakhs and that bears a proportion of 52·41 per cent. to the total export duty. From this the House can see that from the produce of the cocoanut tree the State derives more than half its export revenue. Before considering seriously the abolition of the export duty the House should see how the resulting loss can be made good.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What was the amount in 1107?

MR. C. O. MADHAVAN (*Excise Commissioner*). As the member himself quoted it was a little over Rs. 9½ lakhs.

If the House is serious in thinking of the abolition of export duty on the products of the cocoanut tree the House will have to solve another problem—how and in what way they can replace the revenue which will be lost by the State on account of the abolition of the duty on the products of the cocoanut tree.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it not because that duty was bringing in money to the State that the Government did not think of taxing otherwise?

MR. C. O. MADHAVAN (*Excise Commissioner*): Of course, if that export duty had not beeen realised we would be short of that revenue and our expenditure would have been adjusted accordingly.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Should not the duties be imposed on scientific lines? Is the export duty justified by any canon of economic law?

MR. C. O. MADHAVAN (*Excise Commissioner*): I for my part do not think that this is not taxation on scientific lines. Export duty, wherever it can be imposed, has been imposed whether it is for a monopoly or for protecting any industry.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Has not the member said that this industry is no longer a monopoly?

MR. C. O. MADHAVAN (*Excise Commissioner*): I was only saying under what circumstances export duty can be imposed.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Have you got a monopoly now?

MR. C. O. MADHAVAN (*Excise Commissioner*): No.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Under the pretext that it is a monopoly you cannot impose the duty.

MR. C. O. MADHAVAN (*Excise Commissioner*): There are ever so many considerations and the collection of revenue is the prime consideration as I have already stated.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Should not revenue be collected on some scientific lines and without injuring the producer?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am coming to that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether any other cocoanut producing country has imposed this export duty on the cocoanut produce?

MR. C. O. MADHAVAN (*Excise Commissioner*): I cannot say. Probably in some place land tax itself may be much higher than in Travancore.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know what is the land tax in Ceylon?

MR. C. O. MADHAVAN (*Excise Commissioner*): I am told that land tax in Cochin is higher than land tax here.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is it in Ceylon and the Philippines.

MR. C. O. MADHAVAN (*Excise Commissioner*): Probably it may be very little, but I cannot say definitely.

MR. K. C. KARUNAKARAN (*Nominated*): May I know from the member whether the fall in price of copra is entirely due to the export duty?

MR. C. O. MADHAVAN (*Excise Commissioner*): It has nothing to do with the fall in price of copra, because some years back it was much higher than what it is. I shall give the figures. The tariff rate on cocoanut from 1095 to 1102 was Rs. 67½ for 1,000. Now it is only Rs. 48. That was a time when we were having a much higher price for our cocoanut. So the imposition of heavy export duty had absolutely nothing to do with the fall in price.

MR. K. C. KARUNAKARAN (*Nominated*): May I know from the member the date of the last revision of the tariff value?

MR. C. O. MADHAVAN (*Excise Commissioner*): The last revision was with effect from 5-12-1106.

MR. K. C. KARUNAKARAN (*Nominated*): That is 20th July 1931?

MR. C. O. MADHAVAN (*Excise Commissioner*): I think so.

MR. K. C. KARUNAKARAN (*Nominated*): Can the member tell me the average price of copra from July to December 1931 and from July to December 1932?

MR. C. O. MADHAVAN (*Excise Commissioner*): I have not got the figures.

MR. K. C. KARUNAKARAN (*Nominated*): Can the member give me the quantity of copra exported from July to December 1931 and from July to December 1932?

MR. C. O. MADHAVAN (*Excise Commissioner*): I have got the figures only for the Malabar years.

MR. K. C. KARUNAKARAN (*Nominated*): I want only for the last six months from July to December for comparison.

MR. C. O. MADHAVAN (*Excise Commissioner*): I have got figures only for the Malabar years. For the year 1107 the quantity exported was 261,091 cwts. while in 1106 it was 386,157 cwts.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): There was a considerable fall in 1107?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes. The fall has nothing to do with the export duty because this fall happened after the reduction of the tariff rate.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): That may be due to the fall in the yield of cocoanut trees?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes, it is mainly due to the fall in the yield of cocoanut trees. Mr. Madhavan Pillai wanted to know who pays the export duty on the products of the cocoanut tree. As we have no monopoly the export duty is paid by the producing country.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does it increase or lower the price in the foreign market?

MR. C. O. MADHAVAN (*Excise Commissioner*): In the foreign market the price will be the same. But in our own market it will be less by the amount of the export duty and the home producer will get the price in the foreign market minus the export duty. The export duty upon the products of the cocoanut tree would sit only very lightly upon the producer. The duty, as Mr. Asan himself pointed out, is 5 per cent. That will work out at the rate of about 6 chackrams for 100 or something like a cash on one cocoanut.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): Provided he gets Rs. 48 for his cocoanuts?

MR. C. O. MADHAVAN (*Excise Commissioner*): Of course. If the member is referring to the tariff rates, I may draw his attention to the rates which were in vogue here during the previous years and which were far less than the actual market rates. If the member will remember what the market price on cocoanut and copra was prior to 1095 he will see that the tariff value of Rs. 45 was far less than the market price. It is not always possible to keep the tariff rate exactly equal to the market value.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does it show that at that time the Government always cared to see that the tariff value was not higher than the market value?

MR. C. O. MADHAVAN (*Excise Commissioner*): Tariff value is not modified as lightly and as easily as the fluctuation in the market price. Sometimes it may be a little higher and sometimes it may be a little lower. When the market price rose the tariff value was not enhanced. Mr. Asan said that the market price of cocoanuts is only Rs. 15 or Rs 17. That has never been so.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*); May I draw the attention of the member to page 51 of the Economic Depression Enquiry Committee where it is stated "the price of cocoanut in 1929 was Rs. 60 per thousand. It has since been steadily falling and in 1930-31 went as low down as Rs. 15 to Rs. 16?"

MR. C. O. MADHAVAN (*Excise Commissioner*): Now the price is Rs. 35 per thousand and earlier this year it was considerably over Rs. 40. So the difference between the tariff rate and the market rate was not very great at all and the abolition of the export duty will not appreciably benefit the producer, while of course it will materially affect the Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will it not benefit the producer to the extent of the duty?

MR. C. O. MADHAVAN (*Excise Commissioner*): It may to a certain extent but a part of it will be taken away by the middleman and the benefit to be derived by the producer is not so appreciable as the loss which the Government may have to sustain.

As I have already stated, the abolition of the duty will bring an increase of price, if at all, only to the extent of one cash for every cocoanut:

MR. S. KRISHNA PILLAI (*Karunagapalli*) : How much will it come to for 10,000 cocoanuts ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : On 10,000 it may be somewhere about Rs. 24.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : ഒരേക്കർ സ്ഥലത്തുണ്ടാകുന്ന കൊപ്രായുടെ തീരുവ കണക്കാക്കുകയാണെങ്കിൽ ആ തുക ഒരേക്കർ സ്ഥലത്തിനുള്ള കരത്തെക്കാൾ അധികമാകുന്നില്ലേ?

MR. C. O. MADHAVAN (*Excise Commissioner*): It may be more than that. That is one of the ways of all Governments to tax the people. The expenses for the administration of the State must be borne by the people of the State.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Then why is it that all the other Governments do not resort to this export duty ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Every Government has got its own ways of raising revenue and the particular reason which weighs with any Government will have to be investigated.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : The whole world has one reason and Travancore another.

MR. C. O. MADHAVAN (*Excise Commissioner*) : I am not sure whether no other Government has got export duty.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : They may be less wise than Travancoreans.

MR. C. O. MADHAVAN (*Excise Commissioner*) : As I have already pointed out, the export duty on the products of the cocoanut tree comes to about Rs. 14 lakhs if we look to the average for the last 8 years. Before the House seriously thinks of fighting for the abolition of the duty, the House, if it realises its responsibility, will have to think of other means of replacing that revenue. So, I appeal to the House not to vote in favour of the abolition of the export duty.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Has the member any other reason than the revenue aspect to oppose the resolution. Has he got any expert economic opinion behind him ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : As I have already pointed out the export duty on copra is necessary for the protection of the oil industry. Export duty on coir and coir yarn is necessary for protecting coir mats and matting industries.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the special produce of those mills which give cocoanut oil and of the factories which give mats and matting that is consumed in our State ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : Yes. These are consumed here to a very large extent, because we export only about half or less than half of our copra. More than two-thirds I say are milled in our mills and exported as oil.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What I wished to know is whether it is not only a small fraction of the cocoanut oil produced in the mill that is consumed in this State.

MR. C. O. MADHAVAN (*Excise Commissioner*) : Part of the cocoanut oil may be consumed here also.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Only a very small part?

MR. C. O. MADHAVAN (*Excise Commissioner*) : It connot be much.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : I want to know whether any increase in the export duty to any extent will not hurt the producers.

MR. C. O. MADHAVAN (*Excise Commissioner*) : When the price of cocoanut more or less remains the same, I would not advocate the enhancement of the duty.

MR. A. NARAYANA PILLAI (*Vaikam*) : കൊപ്രായായിട്ട് അയക്കുന്നത് എണ്ണയായിട്ടയക്കുന്നതിനേക്കാൾ ലാഭമാണോ?

MR. C. O. MADHAVAN (*Excise Commissioner*). For whom?

MR. A. NARAYANA PILLAI (*Vaikam*) : കൊപ്രായായിട്ടയച്ചാൽ മില്ലുകാൎക്ക് ലാഭം കുറഞ്ഞുപോകും. കൊപ്രായായിട്ടയച്ചാൽ അതു കയററി അയക്കുന്നയാളിനു ലാഭമുണ്ടോ?

MR. C. O. MADHAVAN (*Excise Commissioner*): അതു അവർ വാങ്ങിക്കുന്ന വിലയേയും വിൽക്കുന്ന വിലയേയും ആശ്രയിച്ചാണിരിക്കുന്നത്.

MR. A. NARAYANA PILLAI (*Vaikam*) : ഒരു കണ്ടി കൊപ്രായും ഒരു കണ്ടി വെളിച്ചെണ്ണയും അയക്കുന്നു. ഇതിൽ ഏതിലാണു ലാഭമുള്ളതു?

MR. C. O. MADHAVAN (*Excise Commissioner*) : രണ്ടിന്റെയും വില ഏകദേശം യോജിച്ചു തന്നെയിരിക്കും.

MR. A. NARAYANA PILLAI (*Vaikam*) : കയററുമതി തീരുവ കൊപ്രായ്ക്കു വച്ചാൽ മില്ലുകാൎക്ക് എന്തുകിട്ടും?

MR. C. O. MADHAVAN (*Excise Commissioner*) : താരിപ്പു വില ഇപ്പോൾ കുറച്ചിരിക്കുന്നതു കൊണ്ടു ൧൮ ൧൫ അണ. ൧൦ പൈ കിട്ടും. എന്നാൽ കൊപ്രായായിട്ടു പോയാൽ ഗവൺമെൻറിനു ഡ്യൂട്ടി കൂടുതൽ കിട്ടും. എണ്ണയായിട്ടു പോയാൽ അത്ര കിട്ടുകയില്ല.

MR. A. NARAYANA PILLAI (*Vaikam*): അങ്ങിനെയാണെങ്കിൽ മില്ലുകാൎക്ക് വല്ല ലാഭവും കിട്ടുമൊ?

MR. C. O. MADHAVAN (*Excise Commissioner*): ആട്ടുന്നതിന്റെ കൂലിയും കുറെ ലാഭവും കിട്ടും.

MR. A. NARAYANA PILLAI (*Vaikam*) : ഗവൺമെൻറിനു കൊപ്രായുടെ തീരുവ ലാഭമാണ്. അല്ലേ?

MR. C. O. MADHAVAN (*Excise Commissioner*): ലാഭമാണ്. എന്നാൽ ഇതു മില്ലുകാൎക്കു ഒരു സൌജന്യം കൂടിയാണ്.

MR. A. NARAYANA PILLAI (*Vaikam*); കൊപ്രായ്ക്കു തീരുവ വച്ചിരിക്കുന്നതു മില്ലുകാരുടെ ആവശ്യപ്രകാരമാണൊ?

MR. C. O. MODHAVAN (*Excise Commissioner*): മില്ലു വ്യവസായത്തെ പ്രോത്സാഹിപ്പിക്കുന്നതിനുകൂടിവേണ്ടിയാണ്.

MR. A. NARAYANA PILLAI (*Vaikom*); വേറെ ഏതെങ്കിലും എണ്ണയെ സംബന്ധിച്ചിടത്തോളം ഇതുപോലെ വച്ചിട്ടുണ്ടോ?

MR. C. O. MADHAVAN (*Excise Commissioner*): ഉണ്ടു്.

MR. A. NARAYANA PILLAI (*Vaikam*); നല്ലെണ്ണയ്ക്കുണ്ടോ?

MR. C. O. MADHAVAN (*Excise Commissioner*): ഇല്ല.

MR. A. NARAYANA PILLAI (*Vaikam*) : വേറെ ഏതെണ്ണയ്ക്കുമുണ്ടോ?

MR. C. O. MADHAVAN (*Excise Commissioner*): എക്സ്പോർട്ടു താരിപ്പുണ്ടു്. അതു നോക്കിയാൽ അറിയാം.

MR. M. N. NARAYANA MENON (*Kottayam*): കൊളമ്പു കൊപ്രായ്ക്കും പുണ്ണാക്കിനും തീരുവയുണ്ടൊ

MR. C. O. MADHAVAN (*Excise Commissioner*): അതിന് ഇപ്പോൾ ഒരു ചെറിയ സൊജന്യം അനുവദിച്ചിട്ടുണ്ടു്.

MR. P. S. MAHOMED (*Nominated*) : മില്ലു വ്യവസായക്കാൎക്കു് എന്തെങ്കിലും ഒരു പ്രൊട്ടെക്ഷൻ നൽകിയില്ലെങ്കിൽ നഷ്ടം കൂടാതെ ആ വ്യവസായം നടത്തികൊണ്ടു പോകാൻ സാധിക്കുമോ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : അതുകൊണ്ടുകൂടിയാണു തീരുവ വച്ചിരിക്കുന്നതു്.

MR. P. S. MAHOMED (*Nominated*): ഇവിടത്തെ മില്ലുകാർ ഗത്യന്തരമില്ലാതെ വ്യവസായം നിറുത്തുന്നപക്ഷം ഇവിടെയുള്ള കൊപ്രാ മുഴുവനും അന്യ നാട്ടിലേക്കു പോകുമല്ലൊ. അങ്ങനെ വരുമ്പോൾ അന്യ ദേശങ്ങളിലെമുതലാളിമാരുടെ യുക്തം പോലെ അവർ ഈ രാജ്യത്തെ മാൎക്കററിനെ കൺട്രോൾ ചെയ്യാമെന്നു വരുന്നില്ലേ?

MR. C. O. MADHAVAN (*Excise Commissioner*): അങ്ങനെയും വരാം.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether they are given an opportunity of competition with the exports from Malabar and Cochin?

MR. C. O. MADHAVAN (*Excise Commissioner*): So far as that is concerned the absence of export duty will probably raise the price which the producer may get. But so far as competition is concerned I think he will have greater opportunity of competition.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): With regard to copra from Cochin and Malabar will we not be in a better position to compete with them if we have no export duty, however slight it may be?

MR. C. O. MADHAVAN (*Excise Commissioner*): To the extent the export duty is reduced the price of cocoanut may rice.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If the export duty is reduced will not the producer sell at reduced price and enter into competition with foreigners? Is that not the way in which competition is fostered? Will not the quantity of articles sold be enhanced?

MR. C. O. MADHAVAN (*Excise Commissioner*): The only difference I can see is this. The Travancore producer will get a little more than what he now gets if the export duty is reduced.

Sir, one or two words about coir mats and coir yarn. If the export duty on coir yarn is abolished our mats and matting industry will perish. Lately there was an article published by Mr. Laban of Messrs. William Goodacre and Sons, advocating the prohibition of matsand matting articles coming out of Travancore. If we are doing this we would exactly be doing what that gentleman advocated to kill our mats and matting industry in Travancore.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is not the cost of labour higher in England than in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): Certainly higher.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know why this protection is given to the mats and matting industry in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): If there is no protection coir yarn will go out much more easily. The foreigner will be able to get our coir yarn much cheaper than it is now.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Is there no difference in cost of labour between England and Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes, there is difference. But that is another point.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether a finer quality of coir mats and matting is produced any where in India than in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): Some quality is produced in Fngland by William Goodacre and Sons. That is what I gather from that article. They are not able to compete with the article produced in Travancore. That is why he advocates a fifty per cent. tariff duty against Indian coir mats.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the majority of cheaper varieties of coir mats and mattings are exported from Travancore and Travancore alone?

MR. C. O. MADHAVAN (*Excise Commissioner*): It may be so.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Then may I know what is the protest between Willaim Goodacre and Sons in England with reference to mats and matting?

MR. C. O. MADHAVAN (*Excise Commissioner*): What I say is this. We have got the major portion of the trade in our hands. If we abolish the export duty they may take away our business from our hands.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know what is the extent of gain got by the manufacturer in England if we were to abolish duty on coir yearn?

MR. C. O. MADHAVAN (*Excise Commissioner*): To that extent he will be able to compete more successfully.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It is very relevant to know to what extent

MR. C. O. MADHAVAN (*Excise Commissioner*): I cannot say.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether it is fifteen to twenty per cent. as reported by the Economic Depression enquiry committee higher than that in the United Kingdom?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): So even when the duty on coir is abolished will not the cost of production be higher on mats and matting than in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): Without the duty it may be higher. What I say is that without the duty it may enable them to compete with Travancore more successfully than now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): My question is whether with the advantages given to them will it not enable them as to overcome their high cost of production, 15 to 20 per cent, and will not that be sufficient to overcome the advantage we possess with regard to cheaper labour?

MR. C. O. MADHAVAN (*Excise Commissioner*): That is a question of calculation. All I say is that this point is in our favour.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know with regard to the evidences given in the Economic Depression enquiry Committee many of them said that the duty on coir will ultimately spell the ruin of the coir yarn in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): What is it that the member wants to know? The member may refer to the report.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether that decision as presented by the Economic Depression Enquiry Committee is accepted by Government?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know how many persons are employed in the mats and matting industry?

MR. C. O. MADHAVAN (*Excise Commissioner*): I have not got the statistics.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): To how many persons does that industry give employment?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not know.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know when this concession with regard to oil was given to the mill owners?

MR. C. O. MADHAVAN (*Excise Commissioner*): That has been given from a very long time ago. I cannot tell the exact time now.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know whether Government have conducted any enquiry as to whether the mill owners have improved because of the concession?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is not a question of improvement alone. It is a question of their ability to go on with the business.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If the industry as a whole is not improving, what is the use of the State subsidising them?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is not a question of improving the industry but enabling them to keep on.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If the industry is not improving what is the use of encouraging them? Are they engaging more men as a result of the concession shown to them?

MR. C. O. MADHAVAN (*Excise Commissioner*): Probably the member is comparing them with the protection given to an infant industry. It is not so.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the spoon-feeding will not make the industry weak?

MR. C. O. MADHAVAN (*Excise Commissioner*): I do not say that this is spoon-feeding.

MR. K. PADMANABHA PANICKER (*Ambalapuzha*): May I know whether our copra is used to feed oil mills outside Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes, Copra in large quantities is exported from Travancore. Part of the copra is consumed by mill owners in Cochin.

MR. K. PADMANABHA PANICKER (*Ambalapuzha*): Beyond Cochin?

MR. C. O. MADHAVAN (*Excise Commissioner*): It is likely. I cannot say definitely.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know how long Government propose to show this concession to the mill owners?

MR. C. O. MADHAVAN (*Excise Commissioner*): The length of time has not been considered.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): What will enable them to decide that they have shown sufficient concession to the mill owners?

MR. C. O. MADHAVAN (*Excise Commissioner*): At present Government have no idea of stopping them.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Has any investigation been carried on by the Government into the working that is done by these mill owners?

MR. C. O. MADHAVAN (*Excise Commissioner*): What investigation does the member mean?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Have Government carried on any investigation so that they may be in a position to know whether the concession given to them is a source of help to the State as a whole? What is the use of giving help to them if it will not be a help to the State as a whole?

MR. C O. MADHAVAN (*Excise Commissioner*): As I said, the industry is doing good to the State as a whole.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): That is why I ask whether Government have carried on any investigation in the matter?

MR. C. O. MADHAVAN (*Excise Commissioner*): If at any time any doubt is ent tained about it then an investigation will be carried out.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): So far, has no doubt been entertained

MR. C. O MADHAVAN (*Excise Commissioner*): There was no occasion for that.

MR. P. S. MAHOMED (*Nominated*): ഒരു കണ്ടി കയറുകൊണ്ടുണ്ടാക്കുന്ന മാററ്സ് ആൻറ മാററിങ്ങ്സ് കപ്പലിൽ കയററി അയക്കുമ്പോഴും ആതിൻെറ ടണ്ണേജിനും ഒരു കണ്ടികയറിൻെറ ടണ്ണേജിനും വ്യത്യാസമില്ലേ?

MR. C. O. MADHAVAN (*Excise Commissioner*): ഉണ്ട്.

MR. P. S MAHOMED (*Nominated*): മാററ്സ് ആൻറ മാററിങ്ങ്സിനു കൂടുതൽ ഫ്രയിററ് കൊടുക്കേണ്ടിവരുന്നു. അങ്ങനെവരുമ്പോഴും ഇവിടത്തെ Cost of productio കൂടുതൽ ആകുന്നു.

MR. C. O. MADHAVAN (*Excise Commissioner*): ഇവിടെ ലേബറിൻെറ സഹായം ഉണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to make a few observations on this question from a citizen's point of view just to draw attention to a certain practical aspect of it. There is no use of looking at this question from an academical or theorietical point of view and to say that an export duty is against all canons of economics. You must look at it from a point of practical consideration and I am prepared to concede that this export duty is in effect a charge on the producer and therefore in the result it is a tax on the producer. Assuming it to be so the question for the House to consider before they vote on this resolution is whether people can afford to bear that taxation or not. On that question again naturally comparisons have to be made with other countries. Also, the chief point to which attention should be adverted, is what is the net cost of the cultivator in Travancore as regards the cocoanut cultivation and what is the tax which every person can reasonably pay. Though I am not speaking with any authority on the taxation of cocoanut trees, my own impression is that taxation is lower.........

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): With reference to cocoanut alone?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is all that is considered here. Generally speaking I may also say that land tax also is lower.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I inform the member that the maximum taxation in Tovala and Agastisvaram is Rs. 35 per acre?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): On cocoanut gardens? My own impression was that it is lower.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know where that impression was formed from?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is only a general impression. I have no figures now, nor am I saying that the House should accept my impression. But the House should consider that aspect before it condemns the export duty; in fact the House should be able to say that with the export duty added on, the tax on the cocoanut produce is too heavy. I did not hear any member referring to that. That is why I stood up to say a few words.

MR. M. N. NARAYANA MENON (*Kottayam*): ഭൂമിക്കരത്തിനും പുറമെ തെങ്ങിനും പ്രത്യേകം കരം കൊടുക്കണമെന്നറിയാമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If you pay tax for every cent of land with trees then you need not pay tax for the land separately.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Where is it said so?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the Settlement Proclamation.

In actual practice it is a question of land tax. I need not fight about words. You may take it as tree tax or as land tax. The point for consideration by the House is whether that tax with the export duty added is higher or lower than elsewhere.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know the hypothesis on which the member speaks is from a citizen's point of view?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. The question for determination by the House is whether with the burden of export duty the tax will be much higher than taxation elsewhere. On this issue there is one specific point to which I want to draw attention. A considerable portion, say about one-fifth, of the lands in Travancore is jenmom land and these lands pay very much less land tax than others. If Pandarapattom lands pay say Rs. 8 as tax per acre the same extent of jenmom land will pay only one rupee.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Have not the kudiyans to pay tax to the jenmis and is that not taken into account?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But *Government* get only a small amount.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) കൊച്ചി രാജ്യത്തും ജന്മ വസ്തുക്കളില്ലേ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not going to answer that question. Government are getting only a small amount as taxation. Mr. S. Krishna Pillai asked me whether the total charge on the kudiyan is or is not more than that in respect of Sirkar lands. I am prepared to tackle that question.

is the Government tax on the jenmom land together with the jenmikaram thereon less or more in amount than the tax on the same kind and extent of pandarapattom land? I think that, in the majority of cases, the former is less. Those who were members of the Jenmi Kudiyan Select Committee have found that the total charge on jenmom land in most cases is less than the charge on Government lands, that is to say, if on a particular extent of pandaravaga land the Government tax is say Rs. 100 we found that on jenmam lands the Government tax plus jenmikaram is less than Rs. 100.

If that is so, that is also a material point to be considered by the House. The House should consider whether this export duty makes in the result an undue burden on the people. It is not purely from the academical or theoretical aspect that this question must be considered. We must also consider the question whether, if this export duty is a tax on the land, the total tax would in the result be higher or lower than tax elsewhere.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether with regard to the loss or gain of markets on account of duties imposed on raw produce this question should not be considered?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to the export duty on cocoanut produce my view is that it is really a tax on the producer. Whatever export duty is imposed it will really come from the pocket of the producer. Then the question is whether the producer can bear the tax.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): He must compare the taxable capacity of the people.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, certainly. The question then for consideration is whether the people are able to bear the tax, and whether the tax on the neighbouring places is higher or lower than here. If it is higher, say in Malabar, then it is only right that the Government here may put an export duty. That is only a reasonable position. Upon that question again, this House must consider the point that a fifth or so of the lands in Travancore, namely the jenmom lands, are paying only a light tax to Government and a comparatively light total burden. It is less than the charge on pndarapattom lands.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): ജന്മ വസ്തുക്കൾക്കു കരം കുറവായതുകൊണ്ടാണു കൊപ്രായ്ക്കു താരിപ്പു വില കൂട്ടിയതെന്നു പറഞ്ഞു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ താരിപ്പു വിലയെപ്പറ്റി പറഞ്ഞില്ല. ഇവിടെ ജന്മ വസ്തുക്കളും ധാരാളമുണ്ട്, അവയിൽനിന്നും പണ്ടാരപ്പാട്ടം വസ്തുക്കൾക്കു കിട്ടുന്നതുപോലെയുള്ള കരം ഗവൺമെന്റിനു കിട്ടുന്നില്ല. അതുകൊണ്ടു ആ സംഗതി കൂടി ആലോചിക്കേണ്ടതാണെന്നാണു ഞാൻ പറഞ്ഞതു.

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*) : അങ്ങനെയാണെങ്കിൽ ഇപ്പോഴത്തെ ബിൽപ്രകാരം ജന്മിക്കരം കുറവായതുകൊണ്ട് അതു കൂട്ടിവയ്ക്കുന്നതോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ജന്മിക്കരം ഒട്ടും കുറച്ചിട്ടില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ജന്മ ഭൂമിക്കു കരം കുറവായതുകൊണ്ട് കയററുമതി തീരുവചുമത്തിയിരിക്കുന്നതെന്നു പറഞ്ഞു. അങ്ങനെയാണെങ്കിൽ ജന്മഭൂമികളിൽ നിന്നും ഉണ്ടാകുന്ന സാധനങ്ങൾക്കു മാത്രം ഡ്യൂട്ടി വച്ചാൽ പോരെ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ ഇതൊരു കാരണമായി പറഞ്ഞതേയുള്ളു. ഞാൻ പറഞ്ഞതു കുറെക്കൂടി വിവരമായിട്ടു പറയാം. എക്സ്പോർട്ടു ഡ്യൂട്ടിയും കരമായിട്ടാണു വരുന്നതു്. മററു രാജ്യങ്ങളിലെ കരം കൂടി നോക്കുക. ഇവിടെ ഒരു രൂപായും മററുരാജ്യങ്ങളിൽ ൧൦ രൂപായുമാണു കരം എന്നുവിചാരിക്കുക. ആ സ്ഥിതിക്കു് ഇവിടെ എക്സ്പോർട്ടു ഡ്യൂട്ടി കൂട്ടിവയ്ക്കാം. ഇവിടെ മൂന്നിൽ ഒന്നുഭാഗവും ജന്മവസ്തുക്കളാണു്. അതിൽനിന്നും ഗവൺമെൻറിനു കിട്ടുന്ന ആദായം പണ്ടാരപാട്ടം വസ്തുക്കളെക്കാൾ വളരെ കുറവാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : മൂന്നിൽ ഒന്നു ജന്മവസ്തുക്കളാണെന്നു് എങ്ങിനെ അറിഞ്ഞു?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I mean a fifth of the cultivable portion.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കൊച്ചിയിലും ബ്രിട്ടീഷിലും ജന്മഭൂമികളുണ്ടെന്നു മെമ്പർ വിശ്വസിക്കുന്നുണ്ടോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : English..

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Has the member any idea of what the export duty will work out to on cocoanut estates?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. I am only saying that the House should consider these two points.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : Is the member aware that many cocoanut *topes* are being converted into paddy lands because cocoanut *topes* are not paying?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, Sir, I am not at all aware.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : The member said that one fifth of the agricultural produce is the produce from jenmom lands. Will the member be satisfied if four fifths of the present rate of export duty is levied?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*) : I shall not take up the time of the House to answer that question.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Sir, I support the resolution. The levy of export duty is opposed to all fundamental principles of economics. Export duty is not levied either in the neighbouring State of Cochin or in the whole of British India. The main difficulty of the Travancore producer is that it is always impossible for him to compete with those people outside. Again there is one difficulty with regard to this levy of export duty. It has been conceded by the official benches that except in the case of monopolies it always adds a burden to the general tax-payer. It is one of the supreme difficulties in Travancore that the fundamental principle of taxation is forgotten by the authorities concerned. The soil here is taxed, the tree standing thereon is taxed, and besides all these there is an export duty which only adds to the burden of the producer. It must always be the principle for all civilised governments that the capacity of the tax-payer must be taken into consideration in fixing the taxation. A great financial expert, Sir Alfred Layton, has more than once stated that when the question of export duty is taken into consideration, it must be taken into consideration not from the fiscal point of view or the revenue point of view. The general point that should be considered is the economic and agricultural condition of the country. From this point of view, it cannot be considered for a moment that the export duty, which is particular to this State, should be encouraged. The Government must take early steps to abolish that export duty once for all. With these words, I emphatically support the resolution before the House.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, the Goverment member's exhortation that every non-official member in this House should vote against the resolution was made in a most appealing tone. I am not yet convinced that it has been supported by any proper or convincing reasons. To me, it appeared that if the arguments were addressed to a jury consisting of his own compeers, they would certainly have decided the case against him. A weaker argument, I submit, I have not heard before. The first point advanced by the member speaking for Government was that Mr. Damodaran Asan's lamentation that, Travancore has lost its monopoly over the cocoanut produce has nothing to do with the export duty now levied by the Government on the cocoanut produce. One question was put to him as to whether the present loss of the monopoly is in any way likely to affect the question of ex-

[Mr. S. Krishna Pillai.]

port duty. From the answer given by him, I was able to understand that he thought it would not. It is an accepted principle that an export duty is justifiable only so long as a produce has a monopoly in the outside market. Therefore, so long as Mr. Asan's statement that Travancore cocoanut produce had a monopoly at one time in the outside markets holds good, an export duty on cocoanut produce might have been proper. If, as the Government member now admits, Travancore either had no monopoly in the outside world for its cocoanut produce, or that if it had at any time that monopoly and now lost it, I put the question whether there is any justification or any justice for continuing this export duty. The argument advanced by the Government member that, if it is a monopoly, there can be an export duty, and, if it is not, there cannot be any justifiable duty, I give him back that argument, and I ask him, so long as he admits that the Travancore cocoanut produce has no monopoly in the outside world, whether the export duty levied by the Travancore Government would hereafter be continued. His answer itself furnishes the answer to that. It is high time that we put a stop to this duty.

Secondly, he advanced the most appealing of all the arguments and that is the Government have been realising about 14 lakhs of rupees by this export duty and it constitutes about 15 per cent of the duty now realised by the Government. If we are to vote on this resolution, and if Government were compelled to abandon this duty, then he said that the members of this House would be faced with the difficulty of finding funds to enable the Financial Secretary to have a balanced budget. We are not at all staggered by this shortage in the revenue that will be hereafter collected by Government. It is no doubt true that the Government will certainly stand to lose in the matter of revenue to some little extent. We cannot ignore that fact. But the only question is whether in deciding this question we should be controlled or guided only by this consideration, namely, that Government are losing a large slice of the revenue that they are now collecting. If that be so, I ask whether the revenue collected by the Government is justifiable on sound moral principles. It is the duty of the people to point it out to the Government, and it is the duty of the Government, when they are convinced of it to abandon it.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*) : What about the opium revenue of British India ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Every immoral, impious or unjust duty will have to be given up by Government. That a portion of the revenue is to be lost is certainly no ground for clinging on to it with avarice or greed. With regard to the 9 lakhs of rupees that will be lost, the Government member asked "how are we going to supply that amount when the Budget is to be balanced." My only answer to that is that Government have been always trying to effect retrenchment in Government expenditure. This House has repeatedly been insisting

upon the Government adopting a policy of retrenchment as the safest means of avoiding the levy of an unjustifiable taxation. If Government are not able to collect revenue in the proper way and without additional burden on the people, it is high time for the Government to effect a cut in the salaries of Government officers. It will be high time to revise the salaries of Government officers. It will be high time to put a stop to all unnecessary embellishments in Government offices.

PRESIDENT : You are wandering away from the point.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I beg your pardon. I am trying to give some suggestion to the Government member when he said that he would be helpless if this sum of 14 lakhs is not coming in for augmenting Government revenue. He said that fresh taxation will have to be resorted to. I am trying to convince the House that that need not be the prime consideration in deciding this question. If the Government revenue falls short of our expectations, then there is the means of effecting retrenchment. That is the easiest means for him to meet that contingency.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Would it amount to 14 lakhs of rupees ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): If it will amount to 4 or 5 lakhs of rupees, I think we can go in for the remaining 10 or 9 lakhs of rupees by other means. Whenever Government revenue falls, there is an easy method for the Financial Secretary to balance the budget. I need not take up the time of the House by giving the methods adopted by the Financial Secretary for balancing the budget.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : The Financial Secretary said that there was no necessity for a cut in salaries because he did not effect it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So far as my information goes Government would not do it although the Retrenchment Committee made a recommendation. It is not the Retrenchment Committee's fault; it is not the Financial Secretary's fault. Government think that they have a good figure for revenue; so they have not given effect to it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : Is it the member's opinion that all available sources of taxation have been tapped ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Certainly not. There are other sources of revenue, and, if Government will open their eyes at the right moment, they could increase the revenue by tapping other sources.

Another argument was that land tax in Travancore is not higher than land tax in other places, and that therefore there is no harm in taxing the producer a little more. The two members who spoke for Government were not able to substantiate their position by reference to any authoritative pronouncement on the matter. All that they said was their impression was like that. So far as my information goes, it

[Mr. S. Krishna Pillai.]

cannot be said that the land tax in Travancore is much lighter than it is elsewhere. It has also been stated by the member that, after all, the duty that is levied is only one cash on one cocoanut. I want to draw the attention of the Government member to the most distressing sight that is seen every day in the public markets outside the Trivandrum city. In the Trivandrum city the conditions may be different.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : May I know what is the price of cocoanut outside Trivandrum ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : In Quilon it may be 1½ chs. But when the producer goes to sell, he cannot get anything more than 12 cash. In the market he has to pay a tax for the market owner for every small headload. After payment of all that and after getting 12 cash he goes to the shop-keeper and purchases the articles needed for his daily use. I have direct experience of what is taking place in the market. These small sellers have to purchase kerosene, salt, chilly, rice and other articles needed for their daily use and one cash will be a great sum for them. If a family could live on 2 cash worth of kerosene, would it not be hard if that family is deprived of one half of that, just for the purpose of lighting the electric lights in the Trivandrum town ?

PRESIDENT : Your time is up.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : One minute more.

The Government member's position that it is only one cash that is realised from these persons is unacceptable on the very face of it. I was surprised to hear the argument of the Law Member that one-third of the land in Travancore is jenmom land and therefore the tax could be increased. It is low only because these lands have not been properly taxed. I submit that it is an argument for accepting the position that two-thirds of the duty may very well be reduced by the Government and that they could be satisfied with the one-third of the duty that is now levied. With these words, I support the resolution.

The Council adjourned for lunch at 2. 10 P. M. and re-assembled at 2. 50 P. M. with the Deputy President in the Chair.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : I am a member coming from a country which is entirely surrounded by cocoanut cultivators. I know the difficulties that they experience in the matter of export duty. At every turn we have to look to the goodwill of Government officials for taking the produce of cocoanut, from one part of the taluk to the other, not to speak of taking it to a foreign place. Even for transporting from one part of the taluk to the other we have to depend upon the goodwill and the mercy of the subordinates of the Excise Department. Even if no gain is to come out of abolishing the export duty, people of my taluk would be relieved of the trouble that they experience at the hands of the subordinates of the Excise Department. Apart from its economic or fiscal or any other point of view, from the mere trouble that it causes to the cultivator of the land, I heartily support the resolution of Mr. Asan.

The two grounds advanced by those who opposed the resolution are (1) it is a source of revenue to the State and the State cannot afford to lose such a great revenue ; and (2) it is imposed to help the oil mill owners in the country. The Government admit that the capacity of the producer to pay tax must be taken into consideration. They have also admitted that their capacity has gone down considerably and as a result of that conviction they have reduced the export duty considerably. Even that is not sufficient. The cocoanut industry could not thrive to make both ends meet. The concession granted is too inadequate and insufficient.

One argument that was advanced by the Law Member was that the States, outside Travancore, tax the lands higher and that the tax in Travancore is lower. That is why the agriculturists here are able to pay more. I am not an expert on questions of taxation and I do not know the details under which the financiers of Travancore imposed taxes. As a matter of fact, we know that the people of Cochin derive from their products of cocoanut trees a greater profit than we who occupy the borders of Cochin. On 120 cocoanuts on an average, people of Cochin get half a rupee more than what we in Travancore get. If that is the gain with regard to cocoanut alone I do not know what would be the gain with regard to the other products of the cocoanut tree. The interest of the producer is lost sight of by imposing such a high export duty. It is to help the mill owner or the industrialist that such a measure is introduced as a source of revenue in the State. In the long run it is doubtful whether the source of revenue that is aimed at could ever be realised. It is like the policy of killing the goose that lays the golden eggs. If the producer is economically better, day after day, Government's capacity to tax him for a mere source of revenue is an intolerable decision. On the other hand if he is not helped to carry on the industries that make him eke out his existence in the long run, Government will find it very difficult to tax him. Further the source of revenue will naturally go down. The dumping of Ceylon copra has made the situation worse. The only way in which we can enable the cocoanut cultivator to tide over these difficulties would be to abolish the export duty on copra in toto. In Ceylon they have mass production and as a result they are able to dump our markets at a cheaper rate. Here in Travancore the question of mass production is out of the question at least for the time being. Fragmentation of holdings is one of the reasons why it is impossible to resort to mass production. Before we take to nationalisation of land and production on a mass scale, we will have to wind up cocoanut cultivation and resort to other means of cultivation. All that is out of the question so far as Travancore is concerned. Then the other way in which cocoanut cultivator could be helped is by abolishing the export duty and enabling him to fight on equal basis with the producer in Ceylon.

Another argument that is advanced is this. It is introduced as a measure of protection to the oil industry at Alleppey. There are certain principles that ought to guide us in giving protection to

[Mr. K. Gopalakrishna Pillai.]

industries. I shall read a passage from Mr. Shah who is an authority on trade, tariffs and transport in India. He lays down the principles that ought to guide us in imposing a protection to industries. This is what he says:

"Scientific protection as enunciated by List and accepted even by J. S. Mill consists generally of fiscal aid given to selected industry which from inherent advantages of natural resources or other adventitious circumstances of equal efficacy reasonably promised to be successful within a given period, the success being measured commercially by profits or nationally by the strength it would bring to the community as a whole. Analysed in its constituents such a principle would necessarily imply the following points:—

(1) that the fiscal aid granted in the shape of high customs duty with competing foreign products be equal to the difference in cost of production within the country imposing such a tax and its rivals abroad;

(2) in proportion as to efficacy of the protective industry grows within the protective country the amount of protection granted must be correspondingly reduced."

That was the reason why I asked whether Government have investigated the matter in regard to the advancement of oil industry at Alleppey. Have we not given sufficient protection to the oil inductry at Alleppey? Is it not time for us to investigate into the conditions of the industry and then find out whether it is not time to stop the aid that is given to it and the concession given to it for such a long time? Or are we to allow it to drift and go on endlessly aiding the concern which is run by a few capitalists? Then another point that is laid down by Mr. Shah is this:

"In any event provision must be made for the abolition of any protection to an industry which having been given a trial has either made its possition good, in which case it would not need the protection, or has proved a failure, in which case protection would be unmitigated waste"

DEPUTY PRESIDENT: Your time is up.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I have almost finished. Mr. Shah lays down clearly that an investigation into the conditions of a particular industry is absolutely necessary. If it is not going to advance the welfare of the State as a whole it is an unmitigated waste to give concessions to that industry. He again goes on thus:

"The period however cannot be fixed by cast-iron rule in advance and must be left to vary according to the needs of different industries.

"That protection be at all given to an industry it would be necessary to make preliminary enquiries giving sufficient proof of the commercial possibilities for the industry demanding protection."

'Unless and until such a prima facie case is made out by a competent, responsible and independent body of investigators, it will be sheer waste of the community's energy to contemplate any plan of protection.'

These are the main points that ought to guide us in giving protection to an industry. I ask whether the Government have considered any of these principles in giving protection to the oil industry at Alleppey? Whether it is just on their part to continue the concession that is being shown to it without making an enquiry into the conditions of the industry and deprive the producer what he naturally ought to receive. With these words I support Mr. Damodaran Asan's resolution.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Toduguzha*): I also rise to support the motion. In this connection I may submit by way of explanation that I moved the adjournment motion this morning for considering an important matter like this. I never meant that the consideration of this resolution should be postponed for ever. I only thought that the purpose for which I moved my adjournment motion in regard to the Chitti Amendment Regulation was as important a matter as the Resolution we are at present discussing, if not more important. The Chitty Regulation affects a larger section of people.

DEPUTY PRESIDENT: This is a matter known to all of us. Please speak on the resolution.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Toduguzha*): I only said that both the farmer as well as the cultivator would be benefited. Under the present resolution cocoanut cultivators alone are sought to be benefited. That should be a comprehensive one. The export duty imposed on all the products of cocoanut should be abolished No doubt, export duty is a levy on the products produced in this country. In the present state of things, especially on account of the present economic depression, export duty is a heavy duty which the people cannot now bear. The Excise Commissioner stated that the export duty is levied for two reasons, partly as a source of revenue and partly as a protective masure for protecting the industries of the State. In support of that the Excise Commissioner stated that a duty cannot be imposed even for protecting the industries. As regards the ground that export duty will be a source of revenue to the Government, the learned Law Member argued that the present tax imposed on the Travancore citizen is only within his means and such as he could easily bear. But unhappily the learned Law Member was not able to give us any figures by which we could compare our capacity to bear with the capacity to bear of people outside Travancore. Anyhow, I only wonder if we are in any way better than people outside Travancore. If the ground urged by the learned Law Member is correct, why not the duty be enhanced and make us bear the burden equally with the other people outside the State ? If we are not going to be benefited or adversely affected in the light of that argument, then we must have other grounds for keeping us in our present position. The cocoanut producer has to pay tax on land, on the cocoanut tree and he has now also to pay on the products of the cocoanut tree. This is burdening him too much. Therefore, on these short grounds I support Mr. Asan's resolution.

MR. K. C. KARUNAKARAN (*Nominated*) Sir, I oppose the resolution, which has been moved by my friend, Mr. Damodaran Asan He has proved himself evidently as an opponent of that school of people who want the export duty on all the products of the coconnut tree, and some members on this side of the House said that it is against all principles of economics. Sir, during the last two decades we have seen how economic principles have been changing and they are changing even today. In Germany with the coming of Friedrich List, one of the greatest economists that Europe has ever produced, the whole theory

[Mr. K. C. Karunakaran.]

of absolute doctrine of Free Trade in economics was upset. I do not want to discuss the general economic principles that govern the tariffs and the customs problems in Germany. Even the Government member who replied to the observations made by Mr. Damodaran Asan has, I think, threshed out the most important point with regard to this question. He emphasised the fiscal side of this duty, which, if left to me, alone is a big argument indeed, and he opposed the resolution on the basis that it is meant also for a source of finance to Government.

Sir, in this connection, I wish to discuss each item of the produce of the cocoanut tree and I shall try to show to the House how far that will affect the economic life of this country. In the list, I find that cocoanuts, husked and unhusked, are put under dutiable items. Sir from the statistical report for 1106, I find that 188·7 lakhs of cocoanuts have been exported from this country. I am acquainted with the exportation of all products of the cocoanuts that have been gathered and collected in centres of exportation where they are unhusked and then exported. That means, Sir, that the husks of 188·7 lakhs of coconuts are lost to this country. Putting that into figures, we find, taking as the basis that we can produce 158 pounds of coir yarn out of 1000 husks, that we have lost in 1106, 4,297 candies of yarn to the value, according to the present low price, of Rs. 2·15 lakhs.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*) : Will the member tell me if these cocoanuts were dried cocoanuts or raw cocoanuts?

MR. K. C. KARUNAKARAN (*Nominated*) : I have already said that these cocanuts are collected in the various centres of exportation and they are kept there and then it is the unhusked cocoanut that is shipped.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : What happens to the husk?

MR. K. C. KARUNAKARAN (*Nominated*) : That is used mainly for fuel in factories.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Economically is the dried husk useful to make coir yarns?

MR. K. C. KARUNAKARAN (*Nominated*) : I do not think it is possible unless you convert that into fibre as they do in Ceylon.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*) : May I know how it is a loss to the country?

MR. K. C. KARUNAKARAN (*Nominated*) : Because it is not being used and it cannot be used under the present circumstances unless lakhs and lakhs of rupees are sunk in bringing machinery.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is used as fuel?

MR. K. C. KARUNAKARAN (*Nominated*) : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Could not the ashes be used as manure?

MR. K. C. KARUNAKARAN (*Nominated*) : Yes. I think that about Rs. 5,000 can be saved thereby.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Does the member say this after calculation ?

MR. K. C. KARUNAKARAN (*Nominated*) : Yes.

MR. P. S. MAHOMED (*Nominated*) ൩ ൦ ൦ ൦ രൂപാതന്നെ കിട്ടുമൊ എന്നുള്ളതു സംശയമല്ലേ?

MR. K. C. KARUNAKARAN (*Nominated*) ; അതേ. It shows very clearly how far we are hit economically by the exportation of raw cocoanuts from Travancore. My friend Mr. Gopalakrishna Pillai will appreciate my argument that it hits the labourer more than the employer.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*) : Will the member tell me whether these coconuts which are exported unhusked will fetch a higher price than copra ?

MR. K. C. KARUNAKARAN (*Nominated*) : The member speaks comparatively ?

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*) : Yes.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : May I know if the number of employees in the mills at Alleppey has gone up during the last ten years?

MR. K. C. KARUNAKARAN (*Nominated*) : I cannot say.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Then what does the member mean by saying that it hits the employee more ?

MR. K. C. KARUNAKARAN (*Nominated*) : I am coming to that.

Sir, perhaps my friend Mr. Gopalakrishna Pillai does not know the various processes which the raw husk is put through. It is first of all soaked, then it is beaten by women and then spun by spinners. So. there are three different processes through which this raw husk is put before it is converted into coir yarn and many many thousands of people are being engaged in these three processes. So, I say it hits them very badly.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : Is machinery used for the purpose ?

MR. K. C. KARUNAKARAN (*Nominated*) : No.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) ; May I know whether all the husk that is produced here is soaked and spun into coir yarn ?

MR. K. C. KARUNAKARAN (*Nominated*) : No, not the one hundred per cent.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether on account of the economic depression and the fall in price of coir yarn there is an appreciable decrease in the quantity of husk that is being soaked ?

MR. K. C. KARUNAKARAN (*Nominated*) : No, I cannot say that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) Is the member aware that......

MR. K. C. KARUNAKARAN (*Nominated*) : I will answer questions at the end.

I have shown that in regard to exportation of cocoanut it directly hits the workers of the land and there is really an economic waste and we have seen that economic waste going to about Rs. 2½ lakhs last year.

[Mr. K. C. Karunakaran.]

Coming to coir yarn, I do not think I have to say much about it. Coir yarn industry, Sir, is one of the most important industries in Travancore and taking mats and matting industry alone we find that we have exported last year to the extent of over Rs. 95 lakhs in these days when the price of mats and matting has gone down by about 40 per cent. Just fancy Sir, what would have been this amount in normal times. I ask the House seriously whether we can accept any proposition which would go to kill this most important industry in this land. The Excise Commissioner mentioned in his speech an article written by Mr. Laban in fact a propoganda launched in London by one Mr. W. Laban the head of the biggest firm of mats and matting trade in the world. What he wants to see is that mats and matting industry is revived in England and it is being killed in India. He says that India, particularly Travancore, must go on sending him raw materials in future. This is what he says :—

> "Cocomats and mattings were made in England for home consumption, and also for despatch to the Dominions, long before mat-making was commenced in India, so that England can claim priority in the matter of manufacturing and cannot be charged with taking away work from India. The raw material has always come from India and would still come from there so that India would have the same trade as formerly.

Sir, if the House decides that Travancore should go on always producing raw materials, namely coir yarn for mats and matting industry in England, I cannot say anything else but to agree with them. But I do not think that even this House would agree to such a proposition. All the countries in the world are concentrating their attention on the development of their industries and it will not be right on our part to accept this statement of Mr. W. Laban and also see that our mats and matting industry is killed. So that, that argument, I do not think, is right. In this connection, my friend Mr. P. S. Mahomed put a very important question to the Excise Commissioner in regard to freight. Sir, somebody has stated, I think, it was my friend Mr. Kunjukrishna Pillai, who mentioned that the wages for mats and matting industries in England are far higher than those in Travancore. I admit it. In this connection, Mr. Mahomed put the question with regard to freights on coir yarn, mats and matting. The position is this, Sir. Coir yarn is being exported after it is hydraulically pressed. That means five candies of coir yarn out of which 25 rolls of coir matting can be produced and the freight on them is only 45 shillings plus 5 per cent., while on 5 rolls of matting we pay 45 shillings and 5 per cent. I am talking of the shipping tonnage. In England, the English manufacturer can produce 25 rolls of matting out of one ton coir yarn, while one shipping ton of mats and matting comes to five rolls on which also we pay the same rate of 45 shillings plus 5 per cent. as freight. I admit Mr. Kunjukrishna Pillai's argument that labour is dearer in England but I ask most seriously—is this difference in freight not such as to justify this difference in wages? It is.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the difference in freight per candy?

MR. K. C. KARUNAKARAN (*Nominated*): It is only per ton.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the difference in freight per ton?

MR. K. C. KARUNAKARAN (*Nominated*): For five rolls of coir matting you pay a freight of 45 shillings plus 5 per cent. while for one ton of coir yarn out of which 25 rolls of matting are produced you pay the same freight.

DEPUTY PRESIDENT: Your time is up Mr. Karunakaran.

MR. K. C. KARUNAKARAN (*Nominated*): I have not explained fully and I would like to be given some more time. I do not think any other member will be in possession of the facts that I want to place before the House.

DEPUTY PRESIDENT: You have already taken 15 minutes and you may have five minutes more.

MR. K. C. KARUNAKARAN (*Nominated*): The argument about mats and matting is, I think, very convincing to show that this export duty should be maintained.

MR. K. PADMANABHA PANIKKAR (*Ambalapuzha*): Is power used for the manufacturing as yarn in England?

MR. K. C. KARUNAKARAN (*Nominated*): Yes. These are things known to the House and I do not want to discuss about them. I am coming now to copra. I asked the Excise Commissioner to give me some idea of the prices for the last half of 1931 and of 1932 with regard to copra. Sir, a revision of the tariff values of copra, punnac and other things took place, I think, on the 5th of Karkatakom 1106 and working out I find that from January to June the average price of copra before this revision took place was Rs. 57 per candy and then after the revision I find that the average price is Rs. 57-as. 12 per candy. So, in fact, after the revision, we find only a difference of 12 annas per candy and that I maintain is not at all due to the reduction in the tariff values but due to other causes. Just then, as we are all aware Sir, Britain went off the gold standard and there was a slack of price in all our commodities. The second cause is that there was shortage of stocks during these six months of the year and also there was a great demand for the dessicated cocoanuts in London which governs, as we all know, the world price with regard to cocoanuts.

Sometime back I wanted to have more data regarding the tariff value on copra and coconut value. I maintain that the oil mill industry is one of well established industries in Travancore and the Government should maintain it. As I said, Sir, by the abolition of duty it is not the mill owner that is going to be hit very badly but it is the cottage industry. Sir, there are no statistics available here for us to know how many *checkus* (ചക്ക്) we have got in the whole of Travancore. Now as I said Sir, the question is not who is going to be affected by the reduction of tariff duties. The mill owner is not going to be hit

[Mr. K. C. Karunakaran.]

very badly. It is the cottage industres that are going to be affected. Unfortunately we have not got statistics about the number *checkus* we have got in this country. It is a very important cottage industry. Government do not care to see how much of oil is crushed locally by these *checkus*. As Sir. C. P. Ramaswami Iyer said the other day it is the duty of every civilized country to see that its cottage industries are maintained. I am not pleading for the industrialists at Alleppey but I am pleading for the thousands of people who are engaged in the local production of oil which find a ready sale in Thenkasy, Kumbakonam and other places. Sir, I maintain the position that the oil produced from our mills do not find such a ready market as the oil produced by these *checkus*.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know how much of such oil is imported from the State ?

MR K. C. KARUNAKARAN (*Nominated*): Sir, in the absence of any statistical bureau that question ought not have been asked.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The member is making a statement. He should substantiate that.

MR. K. C. KARUNAKARAN (*Nominated*): It is for the Government to have satistical bureau and get this information.

So, Sir, I am pleading for the cottage industry and not for the mill owners at Alleppey; my friend Mr. Kottur said that......

MR. K KUNJUKRISHNA PILLAI (*Quilon*): May I know whether that was the number given by the Travancore Chamber of Commerce ?

MR. K. C. KARUNAKARAN (*Nominated*) As one connected with the Travancore Chamber of Commerce, I know what their basis is with regard to the collection of general data. We go on certain assumptions.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In the interest of millions of persons engaged in cottage industry, should not the export duty be abolished.

MR. K. C. KARUNAKARAN (*Nominated*): I maintain that these unfortunate people who are engaged in thousands in factories.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know how many of them are engaged in factories?

MR. K. C KARUNAKARAN (*Nominated*): Sir, as I said there is no statistics for this also. Without a statistical bureau how can we know that ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The member was saying that they are engaged in thousands.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, I shall say one or two words with regard to the copra situation. We find that on the 15th December the price of Ceylon copra was Rs. 49 and our copra Rs. 68. When the imperial legislature has reduced that duty, Ceylon copra cost Rs. 46 in Alleppey and after adding import duty and other charges it comes to about Rs. 70. I am not going to maintain the position that this will be the situation always. I do not know how

[Mr. A. Narayana Pillai.]

യിൽ വേണമെന്നും കൃഷിക്കാരെ അതു് പ്രോത്സാഹിപ്പിക്കത്തക്ക വിധത്തിലായിരിക്കണമെന്നും ഉള്ള തത്വത്തെ വിട്ടിട്ടാണു തെങ്ങുവൃക്ഷത്തിനു കരം ചുമത്തിയിട്ടുള്ളതു്. ഈ വസ്തുക്കളെല്ലാം ജന്മിമാരുടെ കയ്യിലിരുന്ന ഒരു കാലത്താണു് ഇങ്ങിനെ ഒരു വ്യവസ്ഥയുണ്ടാക്കിയതു്. ഇപ്പോഠം ജന്മവസ്തുക്കഠം മുക്കാലും എഴുതികൊടുക്കുകയും അതിനു ഗവണ്മെൻറിൽ നിന്നും പ്രത്യേകം കരം ചുമത്തി ഈടാക്കുകയും ചെയ്യുന്നുണ്ടു്. നാളികേരത്തിനു ചുരുങ്ങിയ വില ഇരുന്നകാലത്തു് എക്സ്പോർട്ടുഡ്യൂട്ടി ചുമത്തിയിരുന്നു. അതിനു വില വർദ്ധിച്ചപ്പോഴും താരിപ്പുവില നൂററിനു് അഞ്ചു ശതമാനമെന്നുള്ളതിനെ ഭേദപ്പെടുത്താതെ ഈ രീതിയിൽ ഇന്നും കരം ഈടാക്കിവരുന്നു. കൊപ്രായുടേയും നാളികേരത്തിൻെറയും വില ഓരോ ദിവസവും ഭേദപ്പെട്ടാണു് വരുന്നതു്. ഇന്നത്തെ താരിപ്പുവില ഇനിയൊരു അഞ്ചു കൊല്ലത്തേക്കു ഭേദപ്പെടുമൊ എന്നുള്ളതു് അറിയാൻ നിവൃത്തിയില്ലാതിരിക്കുന്നു. അഞ്ചു ശതമാനം കയററുമതി ചുങ്കം ചുമത്തിയിട്ടു് ഇപ്പോഠം ഒരർത്ഥവുമില്ലാതെ ഏഴു ശതമാനം വരുന്ന ഒരു സംഖ്യ ഗവണ്മെൻറിൽനിന്നും ഈടാക്കിവരുന്നു. ഇതു മില്ലുടമസ്ഥന്മാരെ സഹായിക്കുന്നതിനാണെന്നു് പറയുന്നുണ്ടു്. ഇന്നു ശൈശവാസ്ഥയിലിരിക്കുന്ന മില്ലുടമസ്ഥന്മാർ തിരുവിതാംകൂറിലില്ല. അതു കൊണ്ടു മില്ലുടമസ്ഥന്മാരുടെ ശൈശവാവസ്ഥയെ സഹായിച്ചു എന്നുപറയാൻ നിവൃത്തിയില്ല. ശരിയായ നിലയിൽ മുതൽ മുടക്കിയിട്ടുള്ള ചില മില്ലുടമസ്ഥന്മാരുണ്ടെങ്കിൽ അവർ പ്രത്യേകമായ ഗുണങ്ങളും അനുഭവിക്കുന്നുണ്ടു.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വെളിച്ചെണ്ണയുടെ തീരുവ നിർത്തുന്നതുകൊണ്ടു മില്ലുടമസ്ഥന്മാക്കു ഗുണമില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഉണ്ടു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വെളിച്ചെണ്ണയുടെ തീരുവയും നിൎത്തണമെന്നു് ഇതിൽ പറയുന്നില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഉണ്ടു്.

MR. P. S. MAHOMED (*Nominated*): കൊപ്രായുടേയും വെളിച്ചെണ്ണയുടേയും തീരുവയിൽ വ്യത്യാസമില്ലേ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഉണ്ടു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) ഒരു കൂട്ടക്കാരെ മുഴുവൻ കഷ്ടപ്പെടുത്തിയിട്ടു് ഒരു ആളെ മാത്രം സഹായിക്കുന്നതു നല്ലതാണോ?

MR. A. NARAYANA PILLAI (*Vaikam*): മുഴുവൻ ആളുകളേയും കഷ്ടപ്പെടുത്തിയിട്ടു ഒരു കൂട്ടം ആളുകളെ സഹായിക്കേണ്ട ആവശ്യമില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): എല്ലാവരേയും സഹായിക്കാൻ സാധിക്കുമെങ്കിൽ അതല്ലെ നല്ലതു?

MR. A. NARAYANA PILLAI (*Vaikam*): കൃഷിക്കാരെ സഹായിക്കുകയാണു പ്രത്യേകമായി വേണ്ടതു്.

MR. P. S. MAHOMED (*Nominated*): കരം തീരുവക്കാരെ മാത്രം സഹായിക്കണമെന്നാണൊ പറയുന്നതു്?

MR. A. NARAYANA PILLAI (*Vaikam*): കൃഷിക്കാരേയും ഭൂമിഉടമസ്ഥന്മാരേയും സഹായിക്കണം. അതല്ലാതെ മില്ലുടമസ്ഥന്മാരെ മാത്രം സഹായിച്ചാൽ പോരാ എന്നാണു് എന്റെ അഭിപ്രായം.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മില്ലുടമസ്ഥന്മാർക്കു് ഇപ്പോൾ ന്യായമായ സഹായം കിട്ടുന്നില്ലെ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഇപ്പൊഴും അവർക്കു ന്യായമായ സഹായങ്ങൾ കിട്ടുന്നുണ്ടു്. അതിനാൽ നാളികേരത്തിനു കയററുമതിച്ചുങ്കം ചുമത്തുന്നതു വലിയനഷ്ടമാണു്. നാളികേരം കൊണ്ടു് ഉണ്ടാക്കുന്ന സകല സാധനങ്ങൾക്കും തീരുവ ചുമത്തിയിരിക്കുന്നതു കൊണ്ടു നാളികേരത്തിനു മാത്രമെങ്കിലും തീരുവ ചുമത്താതിരിക്കേണ്ടതാണു്. ഒരു ക്കുവത്തു ചുമത്തിയതുകൊണ്ടു് ഇനിയും തീരുവ ചുമത്താതിരിക്കാൻ പാടില്ല എന്നു പറയുന്നതു ശരിയല്ല. ൧൮ ലക്ഷം രൂപായോളം വരുന്ന കയററുമതി തീരുവയിൽ ഇപ്പോൾ ൫ ൨ ശതമാനം കിട്ടിവരുന്നതുകൊണ്ടു നഷ്ടമുണ്ടെന്നു പറയാൻ നിവൃത്തിയില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ തീരുവ ഏർപ്പാടു നിർത്തിയാൽ അതിലേക്കുള്ള എക്സൈസ് ഉദ്യോഗസ്ഥന്മാരും ആവശ്യമില്ലല്ലൊ?

MR. A. NARAYANA PILLAI (*Vaikam*): അതുകൊണ്ടു കേസുകളും കൂടി കുറയുന്നതാണു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ തീരുവ ഏർപ്പാടിരിക്കുന്നതുകൊണ്ടു വഴിയാത്രക്കാർക്കു് അസൗകര്യമല്ല ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നതു്?

MR. A. NARAYANA PILLAI (*Vaikam*): അതും ഉണ്ടാകുന്നുണ്ടു.

MR. K. GEORGE (*Chief Secretary to Government*): ഇംപോർട്ടു് ചെയ്യുന്ന സാധനങ്ങളുടേയും തീരുവ നിർത്തണമെന്നാണൊ പറയുന്നതു്?

MR. A. NARAYANA PILLAI (*Vaikam*): അങ്ങനെ ചെയ്യേണ്ട ആവശ്യമില്ല.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, I rise to support the motion of Mr. Asan. The issue before the House is how far the export duties levied on the products of cocoanut trees can be justified. It has been conceded by the member speaking on behalf of the Government that these export duties are levied partly for revenue purposes and partly with a view to give protection to some local industries.

Let us consider first how far this can be justified on fiscal grounds. Export duties on local products levied purely for fiscal purposes have been condemned in unmistakable terms by eminent economists like our own professors Messrs. Chandrasekaran and Gopala Menon. The Indian Fiscal Commission, I believe, have condemned the levy of such duties purely for fiscal purposes and they have been even considered as anachronisms which should not exist. So for purely fiscal purposes, they cannot be and should not be levied.

Now let us consider whether they can be justified on the ground of giving protection to local industries. One such industry is the oil mill industry. This industry has for a very long time, been receiving protection at the hands of the Government. From the report of the Economic Depression Enquiry Committee, we find that there are about a thousand employees under this industry. Let us just consider what is the burden that is imposed upon the general producers by the levy of export duty for the benefit of this class. It has been estimated by the Economic Depression Enquiry Committee that the effect of this duty means a taxation of about Rs. 15, per acre of the cocoanut estates. Sir, is it fair to levy a duty on an article of our production to the extent of Rs. 15 per acre? This is too much for a general tax payer to give for the benefit of a few industrialists. Another industry which is sought to be protected by the levy of this export duty is the coir mats and mattings industry. This industry also has been receiving adequate protection at the hands of Government for a pretty long time. Any industry which has been receiving such protection from Government for such a long time and which is not able to stand upon its own legs should not be given protection any longer. This is the principle on which protection is given generally to industries.

So either on the ground of raising revenue or on the ground of giving protection to local industries these duties are not justifiable. The Economic Depression Enquiry Committee also have considered the question of abolishing export duty on the products of cocoanut trees. They have not openly declared themselves for the retention of these duties. But reading between the lines it seems that they are inclined to recommend the abolition of these duties. They have fought shy of this question by saying that it is a complicated question, and that it deserves investigation at the hands of experts like the Tariff Board.

So I emphatically support the motion of Mr. Asan.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Sir, I do not mean to make a long speech. I find the Economic Depression Enquiry Committee's report being quoted by many members,

I am partly responsible for that report. I just want to say that I oppose the resolution as it now stands. The resolution says that the export duty on all the products of the cocoanut tree should be abolished. From the opinion expressed in this House, I find that there is difference of opinion and that the members are not unanimous as to the necessity or advisability of abolishing the duty. Mr. Karunakaran who is expected to know the industrial position of the country vehimently opposes the abolition of the duty. The Economic Depression Enquiry Committee examined a number of witnesses and went thoroughly into the question. We found that there were two sides of the question. Both sides were very vehimently discussed. The industrialists wanted not only to retain the present duty but also to raise it still higher in the interest of the industries of the country. The agriculturists on the other hand fought for the abolition of the duty. Weighing the arguments on both sides we found that we could not come to any definite conclusion. Naturally we did not profess to bɔ expert economists. There are differences of opinion in regard to this question in all countries. So, instead of suggesting either the abolition or retention of the export duty, we thought it would be better if we only recommended the appointment of an expert body to examine the question. The Economic Depression Enquiry Committee did not think itself to be an expert body and so they thought it would be better if they recommended the appointment of a body like the Indian Tariff Board. All matters relating to tariff, whether duty should be imposed or whether protection should be given to a particular industry are referred to the Indian Tariff Board. It is on their recommendations that the Legislative Assembly decides. So we thought it better that such a body were appointed here also to advise Government. On the recommendations of such a committee Government can take necessary action.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The member was saying that the duty is levied mainly for revenue purposes.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I am not saying anything about what this member or that member said. This is a very controversial question and the final word on it has not been spoken in other countries. It is still being discussed. This House, no doubt, represents the interests of the producers, as against the interests of the manufacturers. I am not saying anything about that. All that I am saying is that this question has not been finally decided in other countries. It seems to me, therefore, that it is not right to say that forthwith all duties should be abolished. But I can understand the House recommending that an expert body like the Tariff Board should go into the question and then make a recommendation. I am not saying anything either in favour of or against the resolution. But as it is worded. I have to oppose it.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കർഷകരാജ്യമായ ഇവിടത്തെ ജനങ്ങളുടെ നന്മക്ക എക്സ്പോർട്ട്ഡ്യൂട്ടി

[Mr. Tariatu Kunjitomman.]

വച്ചുകൊണ്ടിരിക്കുന്നതൊ നിൎത്തികളയുന്നതൊ രാജ്യത്തിനു ഗുണകരമായിട്ടുള്ളതു്?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): ഈ വിഷയത്തെ സംബന്ധിച്ചു നല്ലപോലെ പഠിച്ചിട്ടുള്ള വിദഗ്ദ്ധന്മാരെക്കൊണ്ടു് ഒരു അഭിപ്രായം പറയിക്കുകയാണു് നല്ലതു്. അങ്ങനെയാണു് എക്കണോമിക് ഡിപ്രഷൻ കമ്മറ്റിക്കാരും ശുപാൎശ ചെയ്തിട്ടുള്ളതു്. അതിനാൽ ഇവിടെ എക്സ്പോൎട്ട് ഡ്യൂട്ടി വേണമൊ വേണ്ടയൊ എന്നുള്ളതിനെപ്പററി ഒരു വിദഗ്ദ്ധസംഘം അഭിപ്രായം പറയുന്നതായിരിക്കും നല്ലതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതിനാൽ ഇവിടെ എക്സ്പോൎട്ട് ഡ്യൂട്ടി നിൎത്തിക്കളയണമെന്നു പറയുന്നതു തെററാണെന്നു പറഞ്ഞു് അതിനെ എതിൎക്കുന്നില്ല അല്ലേ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): അതു രണ്ടും പറയാനില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Which are the countries which levy export duty on goods over which they have no monopoly?

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): I have no information. All that I say is that it is a controversial question and it has not been settled once for all. The question of free trade *versus* protection is even now being discussed in the United Kingdom. There is a large body of public opinion against protection. This question is still a controversial one. All that I want to impress upon the House is that it should not say that export duty should be abolished from tomorrow. Let us refer the question to an expert committee. If that expert committee makes the recommendation that it should be abolished, you can leave it to Government to take action. On that one ground alone, I oppose the resolution as it stands.

MR. P. S. MAHOMED (*Nominated*): സർ, ഞാൻ ഇതിനു് ഒരു അമെൻറുമെൻറു് അവതരിപ്പിക്കാമെന്നായിരുന്നു വിചാരിച്ചിരുന്നതു. എന്നാൽ ഇവിടെ നടന്നതായ വാദപ്രതിവാദങ്ങൾ മുഴുവൻ ശ്രദ്ധിച്ചതിൽ അങ്ങനെ ഒരു അമൻറുമെൻറിൻെറ ആവശ്യം ഇല്ലെന്നാണു് എനിക്കുതോന്നുന്നതു്. അതിനാൽ ഒരു അമൻറുമൻറു അവതരിപ്പിക്കാതെ തന്നെ മി: ആശാൻെറ പ്രമേയത്തെ എതിൎക്കുകയാണു ചെയ്യുന്നതു്.

തെങ്ങുവൃക്ഷങ്ങളിൽ നിന്നു് ഉണ്ടാകുന്ന സാധനങ്ങൾക്കു് ഒന്നും തന്നെ എക്സ്പോൎട്ട് ഡ്യൂട്ടി ചുമത്താൻ പാടില്ലെന്നുള്ളതാണു് മി: ആശാൻെറ പ്രമേയം. എൻെറ സ്നേഹിതൻ മി: കരുണാകരൻ കൊപ്രാ ഒഴിച്ചു, തൊണ്ടു്, ചകിരി, മുതലായ സാധനങ്ങൾ തിരുവിതാംകൂറിലെ

ഭൂരിപക്ഷം ജനങ്ങൾക്ക ഗുണപ്രദമായനിലയിൽ ഓരോ തൊഴിൽ ചെയ്യുന്നതിന് അവക്ക സൗകര്യമുണ്ടെന്നു പ്രസ്താവിച്ചു. നമ്മുടെ നാട്ടിലുള്ള രണ്ടോ, മൂന്നോ, മില്ലുകാരെ മാത്രം ഉദ്ദേശിച്ചുള്ള ഈ സാധനങ്ങൾക്ക തീരുവ ചുമത്തണമെന്നു പറയുന്നതു്. വല്ല ഗുണവും കിട്ടിവരുന്നതു അവക്ക വേണ്ടെന്നും പറയുന്നില്ല.

എന്നാൽ എനിക്ക് ഇന്നു ഈ കൗൺസിലിൽ വളരെ സംകടകരമായി തോന്നീട്ടുള്ളതു, വ്യവസായത്തെ സംരക്ഷിക്കേണ്ട നിലയിലുള്ള സംഗതികൾ ഒന്നും തന്നെ വ്യവസായ സൈഡിൽ നിന്നു ഈ സഭയെ മനസ്സിലാക്കാൻ കഴിഞ്ഞില്ലല്ലോ എന്നുള്ളതാണു്.

MR. K. C. KARUNAKARAN (*Nominated*): ഈ സഭയിൽ വ്യവസായ പ്രതിനിധികൾ ഇല്ലെ?

MR. P. S. MAHOMED (*Nominated*): ഉണ്ട്. അതാണു കൂടുതൽ സൗകര്യമായി തോന്നുന്നതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇവിടത്തെ വ്യവസായസാധനങ്ങൾ കാർഷികോല്പന്നങ്ങളിൽ നിന്നും ഉണ്ടാക്കുന്നവയാണെന്നും, കൃഷി ക്ഷയിച്ചാൽ വ്യവസായവും ഈ നാട്ടിൽ ക്ഷയിക്കുമെന്നും മെമ്പർക്കറിയാമോ?

MR. P. S. MAHOMED (*Nominated*): അതിനെപ്പററി എനിക്കു യാതൊരു സംശയവും ഇല്ല. എന്നാൽ കർഷകരാജ്യമായിരുന്നാൽ തന്നെയും അവിടെ വ്യവസായവും വേണം.

ഏതായിരുന്നാലും വ്യവസായത്തെക്കുറിച്ച് അറിയേണ്ട സംഗതിമുഴുവൻ അറിയുന്നതിനുള്ള ഭാഗ്യം വ്യവസായ മെമ്പറിൻെറ അഭാവത്താൽ ഉണ്ടായില്ല.

എൻെറ സ്നേഹിതൻ മി കുഞ്ഞിത്തൊമ്മൻ ഏതൊരു സംഘത്തിയെ പ്രതിനിധീകരിക്കുന്നുവോ, ആ സംഗതിയിൽ താല്പര്യം കാണിച്ച് ഇന്നയിന്ന സംഗതികൾ ചെയ്താൽ വ്യവസായത്തിനു ദോഷമുണ്ടാകുമെന്നു പ്രസ്താവിച്ചിട്ടുമില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കയർ, പായ്, മുതലായ മില്ലിൽ ഉണ്ടാക്കുന്ന വ്യവസായസാധനങ്ങൾക്കും എണ്ണയ്ക്കും തീരുവ നിൎത്തിക്കളയണമെന്നുള്ളതു് ഈ പ്രമേയത്തിൽ അടങ്ങിയിരിക്കുന്നു എന്നു മെമ്പർ സമ്മതിക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): സമ്മതിയ്ക്കുന്നു. അതിനെ സംബന്ധിച്ചാണു ഞാൻ പറയുന്നതു്. മിസ്റ്റർ കരുണാകരൻ വ്യവസായം സംബന്ധിച്ച സംഗതികളിൽ ഏൎപ്പെട്ടിരിക്കുന്ന ഒരാളായതുകൊണ്ടു-

[Mr. P. S. Mahomed.]

വ്യവസായത്തെസംബന്ധിച്ച മി: കരുണാകരൻെറ അഭിപ്രായത്തിനു വേണ്ടും കൂടുതൽ വിലകല്പിക്കേണ്ടതു്.

MR. K. C. KARUNAKARAN (*Nominated*): വ്യവസായികളുടെ പ്രാതിനിദ്ധ്യവും ഉണ്ടെന്നറിയാമൊ?

MR. P. S. MAHOMED (*Nominated*): അറിയാം.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): മെമ്പർ ആരുടെ പ്രാതിനിദ്ധ്യം വഹിച്ചുകൊണ്ടാണു സംസാരിക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): എല്ലാത്തിനേയും പ്രതിനിധീകരിക്കത്തക്കനിലയിൽ ഗവൺമെൻറിൽനിന്നും നാമിനേററ് ചെയ്യപ്പെട്ടുകൊണ്ടു് അതിനനുസരണമായി എൻെറ അഭിപ്രായത്തെ പറയുന്നുഎന്നെയുള്ളു,

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഇനിഅട്ടത്തപ്രാവശ്യവും നാമിനേററു ചെയ്യത്തക്ക വിധത്തിലാണൊ മെമ്പർ സംസാരിക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): അതിനുവേണ്ടിയല്ല സംസാരിക്കുന്നതു്.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): മെമ്പർ മുസ്ലീം സമുദായത്തിൻെറ പ്രാതിനിദ്ധ്യം വഹിക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെ വഹിയ്ക്കുന്നുണ്ടെന്നാണു് എൻെറ ബോധം.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): മുസ്ലീം സമുദായത്തിലെ ഭൂരിപക്ഷം ആളുകളും ഈ തീരുവ നിമിത്തം ബുദ്ധിമുട്ടു് അനുഭവിച്ചു കൊണ്ടിരിക്കുന്നു എന്നു മെമ്പർക്കു് അറിയാമോ?

MR. P. S. MAHOMED (*Nominated*): ഈ തീരുവ ആവശ്യമുള്ളവരും ഇല്ലാത്തവരും സമുദായത്തിൽ കണ്ടേക്കാം.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മുസ്ലീം സമുദായത്തിലെ ഭൂരിപക്ഷം അംഗങ്ങളും ഈ തീരുവ നിൎത്തിക്കളയരുതെന്നു് അഭിപ്രായപ്പെടുന്നു എന്നാണൊ മെമ്പറിൻെറ അഭിപ്രായം.

MR. P. S. MAHOMED (*Nominated*): ഈ തീരുവകൊണ്ടു ജനങ്ങൾക്കു കൂടുതൽ ദോഷം വരുമൊ എന്നുള്ള സംഗതിയാണു് ഇവിടെ നോക്കേണ്ടതായിട്ടുള്ളതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വ്യവസായമെമ്പർ വ്യവസായത്തിനു ഗുണകരമായി പറയുന്നില്ല എന്നു് ഇവിടെ പറയുകയുണ്ടായി. എന്നാൽ മുസ്ലീമിങ്ങളെ പ്രതിനിധീകരിക്ക

ന്ന മെമ്പർ അവരുടെ ഭൂരിപക്ഷാഭിപ്രായം അറിഞ്ഞിട്ടാണൊ ഇങ്ങനെ അഭിപ്രായപ്പെടുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): ഈ തീരുവ നിർത്താതിരിക്കുന്നതു കൊണ്ടു മുസ്ലീമിങ്ങാംക്ക് ഉപദ്രവം ഉണ്ടാകുമെന്ന എനിക്കു വിചാരമില്ല.

കൊപ്രാ, വെളിച്ചെണ്ണ, കയർ, തേങ്ങ, ഇവയ്ക്കുദ്ദേശിച്ചിരിക്കുന്ന തീരുവ ഇപ്പോഴത്തെ നിലക്കു കുറയ്ക്കുന്നതായാൽ അതു രാജ്യത്തിന്ന് ആപൽക്കരമാണ്. വ്യവസായം ഇല്ലെങ്കിൽ ആ രാജ്യം അഭിവൃദ്ധിപ്പെടുകയില്ല. കാർഷിക സാധനങ്ങൾ കൊണ്ടു പല പ്രവൃത്തികളും ചെയ്യുന്നതിന്ന് നമുക്കു സൌകര്യമുണ്ടായിരുന്നുഎങ്കിൽ അതിൽനിന്നും ധാരാളം ആദായം കിട്ടുമായിരുന്നു. നമ്മുടെ നാട്ടുകാക്ക് റബ്ബർ കൃഷിചെയ്യുന്നതുക്കു സൌകര്യമുണ്ടായിരുന്നെങ്കിൽ അതിനെ ഒരു വ്യവസായ സാധനമാക്കുവാൻ സൌകര്യമുണ്ടായിരുന്നെങ്കിൽ ഈ റബ്ബർ തോട്ടങ്ങളെ ആരും ഉപേക്ഷിക്കുകയില്ലായിരുന്നു.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ റബ്ബറിനു വലിയ ഡ്യൂട്ടി ചുമത്തിയതു കൊണ്ടാണ് ഈ അധഃപതനം വന്നതെന്ന് അറിയാമോ?

MR. P. S. MAHOMED (*Nominated*): ശരിയായനിലയിൽ പണം മുടക്കി വ്യവസായം ചെയ്യുവാൻ ആരും ഇല്ലാത്തതു കൊണ്ടാണ് ഈ ബുദ്ധിമുട്ടുവന്നതു്. അന്യരാജ്യക്കാർ ഇവിടെ വന്നു ധാരാളം പണംമുടക്കി ഇവിടത്തെ വ്യവസായത്തെ വർദ്ധിപ്പിക്കുകയും തൻനിമിത്തം രാജ്യത്തിനു ഗുണമുണ്ടാക്കുകയും ചെയ്യുന്നു.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇന്നത്തെ കയററുമതി തീരുവ ഇരട്ടിയാക്കിയാൽ വ്യവസായത്തിന്ന് അഭിവൃദ്ധിഉണ്ടാകുമെന്നു മെമ്പർ വിചാരിക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): ഞാൻ പറയുന്നതിനെ എല്ലാം ശ്രദ്ധിച്ചാൽ അതിനെപ്പററി മനസ്സിലാകും. വ്യവസായ സാധനങ്ങൾ ഉണ്ടായാൽ അവയെ സംരക്ഷിക്കുന്നതിനുള്ള സൌകര്യവും കൊടുക്കേണ്ടതാണ്.

MR. M. N. NARAYANA MENON (*Kottayam*): അതിനെക്കുറിച്ചു മെമ്പറിന്റെ അഭിപ്രായം എന്താണ്?

MR. P. S. MAHOMED (*Nominated*): കൊപ്രായുടെ തീരുവ എടുത്താൽ നമ്മുടെ കൊപ്രാക്കു കൂടുതൽവില കിട്ടുമെന്നു പറയുന്നു. സിലോണിലുള്ളവർ ഇവിടെവന്നു കൊപ്രാവാങ്ങുന്നുണ്ട്. തിരുവിതാംകൂറിനു വെളിയിൽ വിലക്കുറവുണ്ടെങ്കിൽ ഇവിടെവന്നു കൂടുതൽ വിലയ്ക്കു കൊപ്രാവാങ്ങുകയില്ലായിരുന്നു. തിരുവിതാംകൂറിൽ മില്ലുകൾ ഇല്ലായിരുന്നു എങ്കിൽ വെളിയിൽ കൊപ്രാക്കു വില കുറഞ്ഞിരിക്കുന്ന ഇക്കാലത്തു തിരുവിതാംകൂറിൽ വിലക്കൂടുതൽ ഉണ്ടാകുകയില്ലായിരുന്നു.

MR. K. C. KURUNAKARAN (*Nominated*): ഇവിടെ മില്ലുകൾ ഇല്ലാതിരുന്നാൽ കൊപ്രായുടെ വില ഇവിടെ കുറഞ്ഞുപോകുകയില്ലേ?

MR. P. S. MAHOMED (*Nominated*): അതെ; അതുകൊണ്ടു വെളിയിലുള്ള കച്ചവടത്തെ കൺട്രോൾ ചെയ്താൽ മാത്രമെ തിരുവിതാംകൂറിൽ ഉദ്ദേശിക്കുന്ന രീതിയിലുള്ള ഒരു വിലയെ പുലർത്തിക്കൊണ്ടുപോകുവാൻ സാധിക്കുകയുള്ളു.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ആലപ്പുഴെ നിശ്ചയിക്കുന്ന വിലയാണൊ കൊപ്രായ്ക്കുള്ളതു്? കൊച്ചിയിൽ നിന്നും വരുന്ന കമ്പിഅനുസരിച്ചല്ലേ കൊപ്രായ്ക്കു വില കല്പിക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): ഏതായാലും കൊപ്രായ്ക്കു തിരുവിതാംകൂറിനു വെളിയിൽ ഇവിടത്തെക്കാൾ വിലക്കുറവാണ്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇവിടെ മില്ലുകൾ ഇല്ലെങ്കിൽ കൊപ്രായുടെ വില ഇവിടെ കൂടുതലായിരിക്കയില്ലെന്നാണൊ മെമ്പർ അഭിപ്രായപ്പെടുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെയില്ലെങ്കിൽ നമ്മുടെ മാർക്കറ്റിനെ ഇടിക്കാൻസാധിക്കും. വെളിയിലുള്ള ആളുകൾക്ക് ഇവിടെ എക്സ്പ്ലോയിററ് ചെയ്യുവാൻ സൌകര്യംകൊടുക്കരുതു്. കൃഷിക്കാർക്കു സൌകര്യമുണ്ടാക്കിക്കൊടുക്കുന്നതു പോലെ മില്ലുകാർക്കും സൌകര്യം ഉണ്ടാക്കിക്കൊടുക്കണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അങ്ങനെ എക്സ്പ്ലോയിററു ചെയ്യാതിരിക്കുവാനാണൊ ഇംപോർട്ടും എക്സ്പോർട്ടും ഡ്യൂട്ടികൾ വച്ചിരിക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): കയററുപാ വ്യവസായത്തിലേർപ്പെട്ടിരിക്കുന്നവരായി ആലപ്പുഴ ൩൦,൦൦൦ ൽപരം തൊഴിലാളികൾ ഉണ്ടു്.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): മില്ലുജോലിക്കാരുടെ കൂലി നിരക്കു് എങ്ങിനെയാണു്?

MR. P. S. MAHOMED (*Nominated*): ഭൂമിഉടമസ്ഥന്മാർ കൊടുത്തുവരുന്ന കൂലിയേക്കാൾ കൂടുതലായിട്ടാണു മില്ലിലെ ജോലിക്കാർക്കു കൊടുത്തുവരുന്നതു്.

MR. K. C. KARUNAKARAN (*Nominated*). ഇങ്ങനെ ജീവിക്കുന്ന തൊഴിലുകാർ ആലപ്പുഴമാത്രമാണൊ; ചേർത്തല മുതലായ മററു സ്ഥലങ്ങളിലും ധാരാളം ആളുകൾ ഈ തൊഴിലുകൊണ്ടു് ഉപജീവിക്കുന്നില്ലേ?

MR. P. S. MAHOMED (*Nominated*): അവിടെയും ധാരാളം ആളുകൾ ഈ കയർ വ്യവസായം കൊണ്ടു ജീവിച്ചുവരുന്നുണ്ടു്. കുടിൽ വ്യവസായങ്ങളിൽ അതു വളരെ പ്രാധാന്യം വഹിക്കുന്നു. വസ്തുഉടമസ്ഥന്മാരെക്കൊണ്ടു ജീവിക്കുന്ന കൂലിക്കാരെക്കാൾ കൂടുതൽ ജോലിക്കാർ ഈ ജോലികൊണ്ട് ഉപജീവിക്കുന്നു.

MR. K. GOPALAKRISHNA PILLAI (*Purur*): അവരുടെ കൂലിനിരക്കിനെ സംബന്ധിച്ചുള്ള അതൃപ്തിയുടെ ഫലമായി അവർ സ്ട്രൈക്ക് ഉണ്ടാക്കിയിട്ടില്ലേ?

MR. P. S. MAHOMED (*Nominated*): മില്ലിൽ ജോലിചെയ്യുന്ന ആളുകളുടെ മനസ്ഥിതി ഏതു തരത്തിലുള്ളതാണെന്നു മനസ്സിലാക്കിയിട്ടുള്ളവർക്ക് അതിന്റെ കാര്യം അറിയാം. ഇപ്പോൾ കിട്ടിവരുന്നതിലും കൂടുതൽ കൂലി അവർക്കു വേണമെന്ന് ആഗ്രഹമുണ്ടായിരിക്കാം. അതു കൊണ്ടു വ്യവസായത്തെ അഭിവൃദ്ധിപ്പെടുത്തുന്നതു് ഈ തൊഴിലുകൾക്കും രക്ഷയായിട്ടുള്ളതാണ്. സാമ്പത്തികമായും സാമുദായികമായും ഈ തീരുവ അത്യാവശ്യമാണ്. അതുകൊണ്ടു് ഈ പ്രമേയത്തെ ഞാൻ എതിർക്കുന്നു.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, the first argument advanced by the learned Excise Commissioner is that I stated that Travancore has lost its monopoly in copra trade owing to the export duty. I am sure I never said anything like that. All that I think I said is that at a time when the west coast copra, particularly, the Travancore copra, had some monopoly, in Europe and America there was some justification for imposing this export duty. Now when that monopoly is lost, is there any justification for continuing that duty? That was my statement. I never said that as a result of the export duty the monopoly has been lost. I was misunderstood.

The learned Excise Commissioner admitted that this export duty is imposed mainly for revenue purposes. With regard to that matter, I wish to draw the attention of this House to paragraph 182 of the Indian Fiscal Commission's report, where they say:—

"We hold therefore that export duties should not be imposed for the purpose of protecting industries. The question then remains to what extent they may legitimately be imposed for the purpose of raising revenue. Our main principle is that it is not justifiable to penalise the Indian producer by an export duty, and that consequently such duties should only be imposed when there is a reasonable probability that the tax will fall mainly, if not entirely, on the foreigner, and when there is no appreciable danger that the production of the commodity in India will be affected. From this principle we deduce the rules that export duties for revenue purposes should be employed sparingly and with great caution, that they should be imposed only on articles in which India has a monopoly or semi-monopoly, and that in every case the duties should be moderate."

[Mr. A. S. Damodaran Asan.]

That is what they have stated. There is no good in appointing a committee in Travancore. I think there are no better experts on this subject than this Committee.

Now the learned Excise Commissioner himself admitted that in 1107 the income under this head was about 9½ lakhs. It has fallen from 14 lakhs to 9½ lakhs. It is also admitted that the quantity exported has fallen by about 30 per cent. What does it show? In answer to my question he stated that this fall in export might be due to the lower yield of the cocoanut tree. The man engaged in the cocoanut industry has suffered and suffered considerably. Yet the Government say that or revenue purposes they require this duty. Even when the income of fhe Travancore Government has increased by 70 per cent, they say that for revenue purposes they must still crush the producer of the cocoanut. Is it justifiable? I say they are not doing their duty properly. Well, Sir, the Excise Commissioner was saying that this export duty is only one of the several items that is being imposed. I questioned that statement.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഒരു തേങ്ങക്ക് ഒരു കാശ് എന്നു കണക്കു വയ്ക്കുമ്പോഴും എണ്ണായിരം ഉറു-പ്പാവരെ കരം വരികയില്ലേ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അത്രയും ഉറുപ്പാ വരും.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മിസ്റ്റർ പി. എസ്. മുഹമ്മദ് പറഞ്ഞതുപോലെ വ്യവസായത്തെ അഭിവൃദ്ധിപ്പെടുത്തുന്നതിന് ഈ തീരുവ അത്യാവശ്യമാണോ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അല്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ജപ്പാനിൽ ഇറക്കുമതിയുടെ ഡ്യൂട്ടി കൂട്ടിയിട്ടല്ലേ അവിടത്തെ വ്യവസായത്തിന് അഭിവൃദ്ധിയുണ്ടാക്കിയതു്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതെ. മററുരാജ്യക്കാരുടെ മോണോപ്പളി ഇല്ലാത്ത ആ രാജ്യങ്ങളിൽ എക്സ്പോർട്ട് ഡ്യൂട്ടികൊടുക്കുന്നില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മററുരാജ്യക്കാർ കയററുമതി തീരുവ വർദ്ധിപ്പിക്കാതെയല്ലേ അവരുടെ വ്യവസായത്തെ അഭിവൃദ്ധിപ്പെടുത്തുന്നതു്?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): അതെ

Sir, by this subdivision you could say that no considerable tax is imposed on anything. By dividing it into small cash and by dividing

it into the smallest part you will always find that it is one cash. But when all these taxes are considered you will find that it is a tax on the cocoanut producer. One cash may not be much to a person who gets 600 or 700 rupees. But when it is taken into consideration that all these cocoanut producers earn very little, and that whatever they earn will be only just sufficient for their livelihood, is not one cash of great use for them? Should we not also consider that? The Excise Commissioner was saying that it will not benefit the producer to the extent to which he suffers. I differ from him. It will benefit the producer to a greater extent than it will cause a loss to Government. When this duty is imposed it gives much worry and trouble to the persons who are engaged in transport. They have not only to pay this duty but they have to pay the officers who are employed for this purpose in getting their goods passed in proper time through particular chowkeys. I think that to a great extent it works great hardship upon the producers and upon persons employed in this business.

I do not wish to answer the Law Member because he has started from very different premises that had no basis at all.

Dr. Kunjan Pillai stated that this is a much controversial question. To this, I only want to draw the attention of the House to the remarks made by Dr. Madhavan Pillai. In his dissenting minute Mr. Madhavan Pillai makes this statement:

> "Mr. G. A. Smith says, in the case of an export duty on a commodity of which there are other sources of supply and for which substitutes can be obtained, the rise in price consequent on the export duty would induce foreign customers to seek for supplies from other competitors. This would reduce the export of the country in imposing the duty and the trade would either suffer a loss in reduced business or be compelled to pay part or all the duty by lowering the price to the foreign client. In either case various classes directly or indirectly interested in the industry would be affected adversely."

> "Merchants in Alleppey and Cochin were emphatic in their opinion that there is no article of export from this country which can be regarded as a monopoly. There are competitors from far and near and substitutes for most of the articles of export are already in the market. Merchants of long experience agree in the view that the continuance of this duty would tend in course of time to the loss of our export trade. Why a duty which is not levied in the neighbouring British district of Malabar or in the Indian State of Cochin should be levied in this country was what the witnesses who appeared before the Committee wanted to know."

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Will the member please read the last two sentences, from the report?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The member may read it if he gets another opportunity.

From what Dr. Madhavan Pillai says in his dissenting minute we find there was almost unanimity of opinion among the merchants at Alleppey that this export duty should go.

Mr. Karunakaran was saying that one million and eighty thousand cocoanuts are exported from here and that their husk is lost. It is common knowledge that the husk that my friend is contending now is

[Mr. A. S. Damodaran Asan.]

the husk of dry cocoanuts and that will not be useful for making coir. When the rainy season sets in, people do not generally sell their cocoanuts but they stock them and sell them in September. Many crores of cocoanuts will be stored like that. You have the husks of these cocoanuts which will not be used for coir and I am not at all sorry for not selling that. Our country is lacking in manure. The cocoanut husk would be used as fuel and furnish the best manure. So I do not think it is a real loss. I was surprised to hear Mr. Karunakaran pleading on behalf of the mill owners who are engaged on coir and (കൊപ്ര) industry that they will be detrimentally affected, and that I am asking the Government to abolish the duty on the produce of that industry. When I ask Government to do that, Mr. Karunakaran pleads on their behalf "do not abolish it;" it will injure the mill owners. When I asked him from where he got his millions he has stated that Government must answer the point and that he has no basis for such a statement. I believe a member should not make statements without any statistics.

Then with regard to the protection what I submit is this. The position is completely misunderstood by Government members. The main ground urged is when a raw product is obtained in a country and when that produce is converted and used for consumption in that country, an import duty must be levied on foreign goods in order that they may not be able to compete with our local products. That is not what my friends want. It is not contended that the cocoanut oil obtained by extraction in Travancore is paying an export duty.

MR. K. GEORGE (*Chief Secretary to Government*): Is not the member aware that foreign countries like Japan are importing?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Such haphazard questions will not enlighten anybody.

In a foot-note to Mr. Shah's book there is a paragraph which is relevant to the points in issue. It says thus :

> "This proposal like all other proposals for protective export duties is inconsistent with our general principles. In the case of oil seeds we consider that such a duty would be particularly disadvantageous to the country. Certain oil seeds are grown very largely for the export trade. The Indian demand for the oil and the cake would be quite insufficient to absorb the whole product if all Indian oil seeds were crushed in the country. At the same time there are considerable difficulties in exporting oil and it is unlikely that any appreciable export trade in oil could be built up.'

That being so it is not proper to impose an export duty on oil seeds though a large quantity of it is exported to other countries because the oil extracted in the country could not be used there itself.

Another argument advanced by Mr. Karunakaran is that the mats and matting industry will suffer very much. My friend has been quoting very extensively from the article of Mr. Laban which contains the following:

"The international Labour Bureau has placed it on record that normal pay for cooly labour is 9 ds. per day, say 4 shillings 6 pence per week, against a minimum of one shilling half penny per hour for English labour in the same industry. Four shillings six pence per week against 50 shillings will need more than 20 per cent. protection. Coco-door mats can be landed in England C. I. F. for less money than the wages alone paid to English workers for making similar goods."

There is such a large margin between the cost of labour in England and in Travancore. I think that merchants will pay for the duty in freight between them for mats and matting industry and coir.

My friend Mr. Mahomed was saying that it is owing to the existence of cocoanut oil mills at Alleppey that the cocoanut trees, are fetching this price. His argument when closely read together will convince the House that it is not owing to the existence of Alleppey mills that our cocoanuts fetch such a small price. With these few observations, I press my resolution for a division.

MR. C. O. MADHAVAN (*Excise Commissioner*): I have only to say a few words. Mr. Asan began by saying that I admitted that the export duty on the products of the cocoanut tree, is levied mainly for purposes of revenue. What I said was, it is levied partly for revenue purposes and partly for protective purposes. It is more for revenue purposes than for the sake of protection. I never said it is wholly for revenue purposes alone. I do not want to be justified on that ground.

Mr. Asan read out an article of Mr. Laban, What he wants and Mr. Asan wants, though similar, is advocated for a different purpose. Mr. Laban wants the abolition of the export duty on coir, fibre, etc. Mr. Asan also wants to abolish the export duty. The object of Mr. Laban is to kill the mats and matting industry in Travancore. I suppose Mr. Asan does not want it; he does not want to starve lakhs and lakhs of people who are engaged in that industry. Mr. Asan may very well remember that lakhs and lakhs of rupees have been invested in such a business. Of course there is difference in wages no doubt between England and India. The abolition of export duty will to some extent at least create difficulties in the way of Indian Industrialists and will lead to disastrous consequences.

Mr. Mahomed referred to great differences in freight between coir yarn and mats and mattings. That is another factor which goes very much against the Indian Industrialists. Taking all these things into consideration Mr. Asan should certainly advocate not for killing a particular industry, as Mr. Laban wanted. If Mr Asan could realise the significance of what he has asked for in his resolution, I am sure he would not have persisted in demanding that the export duty should be abolished.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not think it will kill the industry.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is it the Excise Commissioner's view that there is the possibility of yarn industry being killed?

MR. C. O. MADHAVAN (*Excise Commissioner*): That is beside the point. Mr. S. Krishna Pillai stated that my arguments would not appeal if it had been addressed to a jury. I may submit to the House

[Mr. C. O. Madhavan.]

that my arguments are intended not to appeal to the emotions of a jury. I address responsible members of this august body and I appeal to their reason. They are bound to take into consideration the financial interests of the Government and I appeal not to their emotion but to their feeling of a sense of responsibility.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What about the tax-payer's interests?

MR. C. O. MADHAVAN (*Excise Commissioner*): So far as the tax-payer is concerned much was said that the cocoanut industry will perish if this export duty is continued. It has been in existence for the last 40 years and I am not able to say when it was first imposed. It must have been going on for a very long time. The cocoanut products from Cochin and Malabar and other places were enjoying freedom from export duty. With all that our industry was going on. We only get three or four rupees less than what they get. That is all the difference.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Was there not economic depression then?

MR. C. O. MADHAVAN (*Excise Commissioner*): Economic depression is not peculiar to Travancore. It is everywhere.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether there were so many competitors in cocoanut production?

MR. C. O. MADHAVAN (*Excise Commissioner*): As a result of competition, Travancoreans get about three to four rupees less than what a non-Travancorean gets. In Ceylon people may be contributing in several ways to the revenues of the State.

MR. K. GEORGE (*Chief Secretary to Government*): Has not the production considerably increased in Travancore?

MR. C. O. MADHAVAN (*Excise Commissioner*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it on account of the subsistence of export duty?

MR. C. O. MADHAVAN (*Excise Commissioner*): No.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does it not show that people are striving hard for making both ends meet?

MR. C. O. MADHAVAN (*Excise Commissioner*): There are so many things that have to be taken into consideration.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member think that other products have considerably gone down in price in spite of the increased cultivation and production of cocoanuts?

MR. C. O. MADHAVAN (*Excise Commissioner*): That was on account of seasonal conditions. What is deficient one year may be recouped in another year. The yield for one year may be less and the yield in the subsequent year may be much greater.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will that be the case in regard to the whole year?

MR. C. O. MADHAVAN (*Excise Commissioner*): Only for a portion of the year.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know what is the yield in cocoanuts for the first quarter.

MR. C. O. MADHAVAN (*Excise Commissioner*): I have no figures at present.

What I say is the yield of the last year has nothing to do with the export duty. It all depends upon weather conditions. In a particular year there may be more or less yield. We cannot draw any conclusion from that. Last year the yield in pepper was very poor and this year there is a forecast that the yield will be better. Can we draw any conclusion from that?

MR. S KRISHNA PILLAI (*Karunagapalli*): Could we not say then that the export duty should not persist on account of fluctuations of weather conditions?

MR. C. O. MADHAVAN (*Excise Commissioner*): That is a very controversial question: As Dr. Kunjan Pillai stated this is a very big matter that should be decided by an expert committee.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there not an expert for advising Government in this matter who can say whether it is wrong or right to have this export duty?

MR. C. O. MADHAVAN (*Excise Commissioner*): This is not a question which could be tackled by an individual expert.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does it mean that one expert cannot offer any individual opinion?

MR. C. O. MADHAVAN (*Excise Commissioner*): That expert may have his own opinion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know whether Government has any expert who can say whether it is right or not right to have the export duty abolished?

MR. C. O. MADHAVAN (*Excise Commissioner*): Government have several experts but this is a question on which no expert, would venture to hazard an opinion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): At present, has the Travancore Government an expert who can offer an opinion in this matter?

MR. C. O. MADHAVAN (*Excise Commissioner*): On such matters the Excise Commissioner, generally is expected to advise Government. At present he is not prepared to hazard an opinion.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Was not the tariff reduced on account of that expert's recommendation?

MR. C. O. MADHAVAN (*Excise Commissioner*): They were reduced in July 1931.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Was it not an expert body that revised it?

MR. C. O. MADHAVAN (*Excise Commissioner*): I cannot say who were consulted in the matter because I had not much to do with that.

In conclusion, the subject now brought before the House for decision is not a very light one to be easily disposed of by a vote

[Mr. C. O. Madhavan.]

of mere yes or no. It is a complicated question and the financial effects of the scheme have to be gone into in detail. I appeal to the good sense of the House that it is not advisable to press this resolution.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry North*): ഈ കരം നിൎത്തുന്നതു നല്ലതൊ ചീത്തയൊ എന്നു പറയുന്നതിനു സംശയമുണ്ടായിരിക്കുമ്പോഠം അയൽ രാജ്യങ്ങളിലെ രീതിയെ സ്വീകരിക്കുന്നതല്ലെ നല്ലതു്.

MR. C. O. MADHAVAN (*Excise Commissioner*) : It is not enough if we simply follow what the neighbouring State has done. We should examine all the sources of their taxation. How much they have raised by way of taxation in the matter of export duties and other means of raising money, these are details to be gone into.

Of course, they might have this export duty or they might have one hundred other ways. It is not a very simple matter. If the House feels that this tax sits very tightly upon the producer the proper course will be to ask the Government to appoint a committee on this question as has been suggested by the Economic Depression Enquiry Committee. But that is not the question before the House just now and I would urge before this House that the resolution as it stands may be rejected.

MR. K. C. KARUNAKARAN (*Nominated*) : What is the percentage of white copra exported from Alleppey?

MR. C. O. MADHAVAN (*Excise Commissioner*) : I know that it fetches a high price in the market. I wrote to the Inspector in charge of the customs and he has written me back to say that the price of white copra just now is Rs. 85 per candy though it is said to be Rs. 65 for ordinary copra.

MR. M. N. NARAYANA MENON (*Kottayam*) : വെള്ള കൊപ്രാക്കു് ഇപ്പോഠം പതിവിലധികം വിലക്കറവാണെന്നറിയാമൊ?

MR. C. O. MADHAVAN (*Excise Commissioner*) : വില കറവായി ഇടക്കിട്ട് ഉള്ള വ്യന്നാണ് ഞാൻ പറയുന്നതു.

DEPUTY PRESIDENT : The resolution before the House is that

"This Council recommends to the Government that the export duty on products of the cocoanut tree be abolished."

The resolution was put to the vote of the House and declared carried 22 voting *for* and 15 *against*.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I demand a poll.

A poll was taken with the following results and the resolution was declared carried :—

AYES—22.

1 Mr. K. P. Abraham	12 Mr. M. P. Madhavan Pillai
2 „ S. Chattanatha Karayalar	13 „ M. Mahomed Mustapha
3 „ A. S. Damodaran Asan	14 „ M. N. Narayana Menon
4 „ K. Gopalakrishna Pillai	15 „ K Narayanaperumal Nadar
5 „ Joseph Kunju	16 „ A. Narayana Pillai
6 „ K. Krishnan Nayar	17 „ K. P. Nilakanta Pillai
7 „ S. Krishna Pillai	18 „ K. Padmanabha Panikkar
8 „ Tariatu Kunjitomman	19 „ Rama Varma Raja
9 „ K. Kunjukrishna Pillai	20 „ R. S. Subrahmanya Pillai
10 „ K. Madhavan Pillai	21 „ N. A. Sundaram Pillai
11 „ K. P. Madhavan Pillai	22 „ A. Thanu Pillai.

NOES—15.

1 Mr. R. Dhanukoti Pillai	9 Mr. B. Narayana Pillai
2 „ K. George	10 „ N. Nilakanta Pillai
3 „ K. C. Karunakaran	11 „ R. Nilakanta Pillai
4 „ A. Kumara Pillai	12 „ Kayalam Paramesvaran Pillai
5 Rao Sahib Dr. N. Kunjan Pillai	13 „ S. C. H. Robinson
6 Mr. C. O. Madhavan	14 „ C. N. Srirenganatha Sastri
7 „ P. S. Mahomed	
8 „ E. G. McAlpine	15 „ J. S. Westerdale.

NEUTRALS—4.

1 Mr. K. C. Chandi	3 Mr. N. John Joseph
2 „ M. Govindan	4 „ K. P. Kochukora Tarakan

The resolution was declared carried, 22 voting *for* the resolution, 15 *against* and 4 remaining *neutral.*

DEPUTY PRESIDENT: It is half past four now and if we take the next resolution, does the House think that the debate will be over before five because I think the minimum time required will at least come to 80 minutes?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not move the next resolution in the agenda as the general opinion of the House seems to be that the debate may not be over by to-day.

DEPUTY PRESIDENT: The second reading of the Chitties Regulation Amendment Bill is posted for to-morrow and I am desired to inform the House that in case the second reading is over by to-morrow the third reading of the Bill may be had the day after to-morrow.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to make a request. If the members are not in a hurry to go away they can meet informally here and discuss some of the provisions of the Chitties Regulation and come to some sort of understanding, in which case, I think the House may rise at 3 or even half past two to-morrow.

DEPUTY PRESIDENT: Anyhow, I would adjourn the House now.

The House rose at 4-32 P. M. to meet again the next day at Eleven-thirty of the Clock

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(OFFICIAL REPORT.)

Tuesday, the 20th December 1932/6th Dhanu 1108.

The Council met in the Victoria Jubilee Town Hall at Eleven-thirty of the clock, the President Presiding.

QUESTIONS AND ANSWERS.

Statement, by caste, of the Munsiffs, Second Judges and District Judges.

97. **MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*): Will the Government be pleased to lay on the table a statement showing :

(*a*) the number of Munsiffs, Second Judges and District Judges of the State, existing on 15-8-1107 ; and

(*b*) their castes and the number belonging to each caste, Christians being classified as Jacobites, Anglicans, Mar Thomites, Roman Catholics and Protestants?

MR. K. GEORGE (*Chief Secretary to Government*) : (*a*) and (*b*) Statements * furnishing the required information are laid on the table.

Construction of a bridge over the Pazhayar where it crosses the Parakkai-Tamarakulam road.

98. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state :

(*a*) whether there were petitions to construct a bridge at the place where the Pazhayar river crosses the Parakkai-Tamarakulam road ; and

(*b*) the action taken by them thereon ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) :

(*a*) Yes.

(*b*) No action has been taken as the stone bridge at the locality suffices for the present traffic.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*) : May I know whether in the petition it was stated that the stone bridge at the locality was not sufficient in view of the heavy traffic?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Sir, the petition is not now before Government, and as such I do not know its contents.

**Vide* Appendices I A and I B. page i

G. P. T. 1700 300.

Inspection of the District and Munsiff's Courts at Parur.

99. **MR. K GOPALAKRISHNA PILLAI** (*Parur*): Will the Government be pleased to state:

(*a*) the names of the High Court Judges who inspected the District Court and the Munsiff's Court at Parur from 1089 to 1108;

(*b*) the maximum number of times the same Judge has inspected these courts and his name;

(*c*) whether inspection notes are submitted to the Government; and

(*d*) if the answer to part (*c*) is in the affirmative, whether they will place on the table the inspection notes for the years 1104, 1105 and 1106 of the District and Munsiff's Courts at Parur?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Mr. K. Raman Menon, B. A., and B. L., B. C. L., Bar-at Law, Chief Justice twice in 1090 and 1095

Mr. R. Viraraghava Aiyangar, B. A., and B. L., Chief Justice.

Mr. H. S. Chatfield, M. A., Bar-at Law, Chief Justice.

Mr. G. Sankara Pillai, B. A., and B. L., Puisne Judge.

Mr. K. G. Parameswara Menon, B. A., and B. L., Puisne Judge.

Mr. Joseph Thaliath, M. A., Bar-at Law, Puisne Judge.

Mr. K. Parameswaran Pillai, B. A. and B. L., Puisne Judge.

(*b*) Mr. K. Parameswaran Pillai, twice—in 1103 District Court and in 1106 Munsiff's Court.

Mr. Joseph Thaliath—thrice—in 1104 Munsiff's Court, in 1106 District Court and in 1107 surprise inspection of the District Court to investigate certain complaints.

(*c*) No.

(*d*) This does not arise in view of the answer to part (*c*).

MR. K. GOPALAKRISHNA PILLAI (*Parur*): With reference to the answer to part (*b*), may I know why the same Judge was allowed to visit the court from 1104?

MR. K. GEORGE (*Chief Secretary to Government*): I do not see any harm in it.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): In previous years different Judges were visiting the court and conducting inspection.

MR. K. GEORGE (*Chief Secretary to Government*): There is absolutely no objection to the same Judge inspecting a court more than once.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Has that been the case in previous years?

MR. K. GEORGE (*Chief Secretary to Government*): I cannot say. The Judges meet and settle who should inspect and it was the decision that Mr. Parameswaran Pillai should visit in both years.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) With reference to the answer to part (*c*), may I know why the inspection report is not submitted to Government?

MR. K. GEORGE (*Chief Secretary to Government*): The inspection reports of the High Court Judges are not sent to Government, but if there is anything special the High Court will inform Government.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If anybody is to be punished?

MR. K. GEORGE (*Chief Secretary to Government*): That the High Court will decide and recommend to Government.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If it requires the sanction of Government?

MR. K. GEORGE (*Chief Secretary to Government*): Then they will report to Government.

Construction of a culvert at the place where Ettamo'y-Kottar road and Krishnanputhur kal meet.

100. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state whether there was any requisition from the villagers in the neighbourhood for the construction of a culvert at the place where the Ettamoly-Kottar road meets the Krishnanputhur kal?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): No.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): May I know whether the Government are prepared to take it from me that a culvert at the place is absolutely necessary?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Sir, the member is giving a piece of information. If he asks me a question, I shall answer him.

Expenditure on the Pallivasal Hydro-electric scheme

101. **MR. K. P. MADHAVAN PILLAI** (*Shertallai*): Will the Government be pleased to state the actual amount spent by them towards the Pallivasal Hydro-electric scheme up to date (9-4-1108) and the actual work turned out?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): No expenditure has been incurred on the scheme proper, but a sum of Rs. 6,342 was incurred up to the end of Thulam 1108, on account of the investigation of the scheme.

Survey of the High Pressure pipe line, Low Pressure pipe line and forebay, staff quarters, Power House site and a load survey at Alleppey, etc., has been taken up, and an approximate estimate for the scheme has also been prepared.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Am I to understand that after Thulam 1108 no amount has been spent on this scheme?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The figures till 4-4-1108 alone are available. The figures till the date specified by the member are not available.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : In the answer it is stated that an approximate estimate for the scheme has also been prepared. Is the amount available ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): The present estimated amount is Rs. 59 and odd lakhs.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : I mean for the high pressure pipe line ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : First of all, Rs. 6,000 was sanctioned. The revised estimate is for Rs. 13,070.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Is any progress being made now ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Progress is being made in the direction of investigation.

Construction of a cart-road from 8/7 Alleppey-Shertallai road to Muhamma.

10½. MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Will the Government be pleased to state whether the Public Works Department intends constructing a cart-road from 8/7 Alleppey-Shertallai road to Muhamma ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Yes, after the land is formally acquired and handed over to the Public Works Department.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Is it only the formal acquisition of land that has taken place by this time ?

MR. C. N. SRIRANGANATHA SASTRI (*Ag. Secretary to Government*) : Land has to be acquired yet.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Has the survey taken place ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): In this case, the President of the Desabhimani Samajam, Muhamma, on behalf of the people, agreed to give the land required for the road, free of compensation, and he was given a list of owners from whom land has to be got. But the President has not yet sent back a written statement from those people undertaking to surrender the land. It is only after that statement is received, that survey can be done.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Have the Government any document to show that the land has been acquired now ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): As a matter of fact, it is not the formal acquisition that is necessary in this case. The President of the Samajam on behalf of the people has agreed to get the land surrendered by the people and so he has been asked to send a written statement of the people stating that they will surrender the land.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : May I know from the member whether there is any bit of land now ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): As I have already stated, the President of the Samajam has not yet sen the written statement from the people of the locality undertaking to surrender the land to Government.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : How is the President of the Samajam concerned in the acquisition of the land ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Because it was he who undertook to give the land.

MR. K. P. MADHAVAN PILLAI (*Shertalli*) : But is there any more land to be acquired ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : It is only after the statement comes in, that we can know whether any more land is required.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : So, Government are not in a position to say whether any more land is necessary ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : As I have already stated, unless the statement comes from the President of the Samajam it is not possible to say whether any more land is necessary.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : May I inform the member that for the last three years this work was being conducted ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : It is only an estimate that has been sanctioned, and there is also a provision in the Budget. The work has been held up, because the land has not been surrendered. That is what the Chief Engineer says.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Will the Government inform the Department of Public Works of the formal acquisition of the land ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : If the member will also help in the acquisition of land, the matter will be expedited.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : My information is that acquisition has been done.

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Acquisition is only a formal affair, but before that is done, the written statement of the people undertaking to surrender their lands will have to come in.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Is the department going to work after the formal acquisition is completed ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Yes.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Even this year ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Yes, if they will surrender the land early enough.

Supply of drinking water in Alleppey.

103. **MR. M. N. NARAYANA MENON** (*Kottayam*): Will the Government be pleased to state whether any proposal is before them regarding the supply of drinking water for the Alleppey town?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government have already sanctioned an estimate for putting down a trial boring in the 6th mile of Alleppey-Arur road, to tap a possible source of fresh water for providing a Water Supply Scheme for the Alleppey town.

MR. M. N. NARAYANA MENON (*Kottayam*): ഇതിന്റെ എസ്റ്റിമേറ്റു തുക എന്താണെന്നു പറയാമോ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) എസ്റ്റിമേറ്റുതുക ൯൫൦ രൂപായാണ്.

MR. M. N. NARAYANA MENON (*Kottayam*): ഇതിന്റെ വേല തുടങ്ങിയോ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): എസ്റ്റിമേറ്റുതുക സാങ്ഷൻ ചെയ്തിട്ടു രണ്ടുമാസംകൂടി ആയില്ല. വേല തുടങ്ങിയോ എന്നറിഞ്ഞുകൂടാ. ൨൭-൪-൧൧൦൮-ൽ ആണ എസ്റ്റിമേറ്റു തുക അനുവദിച്ചതു.

Approach road to the railway station at Nainagaram.

104. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram cum Shencotta*): Will the Government be pleased to state:

(*a*) whether they are aware that there is no approach road to the railway station at Nainagaram;

(*b*) whether they have received any complaints from the people of Ayikudi and Klangad regarding the non-provision of an approach road to the station; and

(*c*) whether they have taken any action in the matter?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) and (*b*) Yes.

(*c*) Yes. The place has been inspected by the Dewan and the Chief Engineer, and the question of extending the road beyond the State limits is under consideration.

Collection of vital statistics in rural areas.

105. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram cum Shencotta*): Will the Government be pleased to state:

(*a*) whether there is a general complaint that the collection of vital statistics in rural areas is unsatisfactory; and

(*b*) whether they propose to constitute a fresh agency for the work or to take steps to improve upon the present system?

MR. A. KUMARA PILLAI (*Secretary to Government*): (*a*) There is no general complaint. But both the Sanitary Commissioner and the Honorary Adviser, Public Health, have reported about the unsatisfactory registration of vital statistics in the State.

(*b*) The subject is engaging the attention of Government.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): With reference to the answer to part (*a*), may I know what the view of the Government is with regard to the present collection of statistics?

MR. A KUMARA PILLAI (*Secretary to Government*): Not quite satisfactory.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): With reference to the answer to part (*b*), what is the subject that is engaging the attention of Government?

MR. A. KUMARA PILLAI (*Secretary to Government*): About the Agency to collect the information.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Have the Sanitary Commissioner and the Honorary Adviser, Public Health, suggested anything?

MR. A. KUMARA PILLAI (*Secretary to Government*): Yes.

Rates of land-tax in Quilon and Kottayam.

106. MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Will the Government be pleased to state the rates of land tax under each class in the taluks of Quilon and Kottayam?

MR. A. KUMARA PILLAI (*Secretary to Government*): Statements* containing the required information are laid on the table.

List of new offices created from 1106 to 4-4-1108.

107. MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to lay on the table a list of new offices created from 1-1-1106 to 4-4-1108, showing the scale of pay for each and the names of persons appointed to the same?

MR. K. GEORGE (*Chief Secretary to Government*) A statement* containing the information relating to the Gazetted staff is laid on the table. As regards the non-gazetted staff, it is not practicable to collect the information in time for placing it before the Council.

Establishment of a Stationary Magistrate's Court at Karukachal.

108. MR. K. P. MADHAVAN PILLAI (*Shertallai*): Will the Government be pleased to state

(*a*) the distance between Changanachery and Manimala and whether there is any criminal court between the two places; and

(*b*) whether there was any proposal to establish a Stationary Magistrate's Court at Karukachal?

* *Vide* Appendices II—A and II—B. pages ii and iii

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The distance between Changanachery and Manimala is 19 miles. There is no Criminal Court between these two places; but the Stationary Second Class Magistrate's Court at Ponkunnam is only 11 miles away from Manimala.

(*b*) There was a proposal to establish a Stationary Second Class Magistrate's Court at some station between Kanjirapally and Changanachery with a view to reduce materially the pressure of work in the First Class Magistrates' Courts in those stations. The then District Magistrate, Kottayam, who was referred to in the matter, reported that Karukachal was the only convenient station to establish a Magistrate's Court, and that a Magistrate's Court at the place would only reduce the file of the Kanjirapally First Class Magistrate's Court, but not that of the Changanacherry First Class Magistrate's Court. The District Magistrate was of the opinion that the establishment of two Magistrates' Courts, one at Changanacherry and the other at Kanjirapally, was necessary to relieve the existing congestion of work in the First Class Magistrates' Courts at the two places.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is there any cartable road from Manimala to Ponkunnam?

MR. K. GEORGE (*Chief Secretary to Government*): I think there is a road.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): May I know what became of the proposal to establish a Magistrates Court at Karukachal?

MR. K. GEORGE (*Chief Secretary to Government*): There was a proposal, but it was dropped.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is there any reason for dropping the proposal?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, Government re-adjusted the jurisdiction of almost all the courts in the State. In that connection it was dropped. Government established a Stationary Magistrate's Court at Ponkunnam and invested the Tahsildar of Changanachery with the Second Class Magistrate's powers.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Was there not a Magistrate's court at Ponkunnam long ago?

MR. K. GEORGE (*Chief Secretary to Government*): There was one at Kanjirapalli. In re-adjusting the jurisdictions Government found that it was not necessary to establish another court at Karukachal.

Legislative Business.

THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the next business is the third reading of the Jenmi and Kudiyan Regulation Amendment Bill. Before I make the motion for the passing of the Bill I want to move certain formal and non-controversial amendments.

Clause 1.

Sir, I beg to move: In clause I, sub-clause (*a*), line 2, for the figure " 110 ", substitute the figure " 1108 ".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put to the vote of the House and declared carried.

Clause III.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then there are next three amendments which are not in the printed list and which are only formal amendments. I have got typed some spare copies and had them circulated. I shall now move them. I move that:

In sub-clause (a-1) line I of clause III, for the expression " Section 3 (1) of the said Regulation " substitute the expression " clause (1) '

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT: You may put all the amendments to the same clause together.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move also:

In " sub clause (a-2): for the expression "Section 3 (2) of the said Regulation " substitute the expression " clause (2) ".

Also, In sub-clause (c) for the expression " Section 3, (10) of the said Regulation " substitute the expression " clause (10) ".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT: You may move all the amendments under clause III together.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move.

In sub-clause (d): Proposed clause (11) of Section 3, para 2 (*i. e.*, the definition of the term fractional fee) line 2:

For the word " five " substitute the word " seven ".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to this amendment I wish to add a word of explanation. This percentage refers to the yearly value for the renewal fees which according to the Bill as revised by the Select Committee was put at 7 per cent. In the second reading of the Bill this House reduced it to 5 percent, but afterwards the jenmies and the non-jenmies came to an agreement and it was agreed amongst all the parties that this provision, which was reduced by the House at the second reading, may be restored at the third reading.

[Mr. Kayalam Parameswaran Pillai.]

I beg to move: In sub-clause (e): Proposed clause (12) of Section 3: sub-clause 2, line 2: For the word "twelve" substitute "sixteen".

This also arises out of the agreement which has been arrived at between the parties. It was agreed that the figure sixteen that was reduced to twelve by the House at the second reading may be restored at the third reading.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then, there are two other amendments which are not in the printed list. I beg to move that,

In sub-clause (f): line 1: omit the words "in Section 3 of the said Regulation". Again, I move In sub-clause (f) line 5, insert the word "clauses" after the word "following" and in lines 5-6, omit the words "in section 3 of the said Regulation".

Then,

In sub-clause (f): Proposed clause (17) of section 3 (1), for sub-clauses (a) and (b) of the said clause (17) substitute the following:

"(*a*) so long as the last general Land Revenue Settlement made by Our Government remains in force, the jenmivaram shall, except in the case of cherikkal lands be the jenmikaram, and, in the case of cherikkal lands, the settlement pattamicham with reference to the said last Revenue Settlement *minus* the interest on the kanom amount shall be the jenmikaram ; and

(*b*) if the jenmikaram as under clause (*a*) is altered or revised at or after any future general land Revenue Settlement under the provisions of this Regulation such altered or revised jenmikaram shall thence forward be the jenmikaram and, if it is not so altered or revised, the then existing jenmikaram shall continue to be the jenmikaram", and

After "Explanation 2" insert the following as Explanation 3.

"Explanation 3.—The term "cherikkal land" means all land recognised as such in the Sirkar accounts in which paddy or other cultivation is or has been carried on in recurring periods and on which until the last Revenue Settlement *malavaram or vilameladi* tax alone has either been levied or was leviable by Our Government when such land was cultivated".

With regard to this also, I may offer a word of explanation. This amendment makes a change specially applicable to the cherikkal lands. At the second reading there was no special provision relating to cherikkal lands, and in regard to *all* lands jenmivaram was fixed to be the jenmikaram but when the parties came to an agreement in regard to the enhancement or reduction of jenmikaram one of the terms of the agreement was that special provision should be made in regard to cherikkal lands, as regards the present jenmikaram, and it was agreed that in regard to cherikkal lands the settlement pattamicham *minus* the interest on the kanom amount should be the jenmikaram. In view of that agreement, arrived at when the proposed Section 14 was passed, I bring forward this amendment.

Then again I move,

In sub-clause (f): Proposed clause (18) of Section 3: Line 1: After the word "Government" insert the words "by Rules or"

And in sub-clause (f): Proposed clause (19) of Section 3: line 2: For the figure "110" substitute the figure "1108".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second the motion.

The above amendments relating to clause III were put and carried.

Clause IV.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move:

In proposed Section 5 Explanation 2: for the second and third sentences in this Explanation, substitute the following:

> "This prohibition shall apply also in the case of all applications made and suits instituted even before the commencement of the Amendment Regulation if such applications or suits are pending disposal on the date of the commencement of the Amendment Regulation and were made or instituted as the case may be, after the 19th Meenom 1105. The term "suit" herein includes also applications for the execution of decrees passed in suits".

With regard to this, I may say that it is substantially the same as what was passed by this House at the second reading. So that the meaning may be made clear, I have redrafted it.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) I move: In proposed Section 12: Line 5:

(i) Omit the words "or notice" and

(ii) after the word "may" insert the words "until the receipt of the notice", and

in proposed Section 14 sub-section 2:

(i) In Explanation 1, line 2, insert the word "future" after the word "any" and in line 3, substitute the word "such" for the word "that".

(ii) In Explanation 2, line 1, omit the word "existing" and in line 2 after the word "paddy" where it occurs for the first time insert the words "or other commodity."

In line 2, for the words "the paddy" substitute the words "such commodity".

In line 4, after the word "preceding" insert the words "the date of such comparison."

In line 6, for the words "by any percentage" substitute the words "in any proportion."

In Line 6, for the word "paddy" substitute the word "commodity"; and

[Mr. Kayalam Paramesvaran Pillai.]

In line 7, for the words "by that percentage", substitute the words "in that proportion".

In proposed Section 14, sub-section (3): In line 6 for the word "passing" substitute the word "commencement."

Also, in proposed Section 14, sub-section (4): after the word "shall" insert the brackets and words "(in case there be enhancement or reduction)".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second the above amendments.

The amendments were put and carried.

Clause VI A.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In clause VI A, I beg to move:

(i) In line 2, For the words "michavaram or other dues" substitute the words "michavaram or other dues are", and

(ii) In line 2, for "jenmikaram or any portion thereof" substitute the words "jenmikaram or any portion thereof is", and

(iii) Omit the portion "and for the word 'are' substitute the word 'is'"

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendments were put and carried.

Clause VII.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move:

In the proposed Section 18.:

(i) Line 1: After the word "paddy" insert the words "or other commodity", and

(ii) Line 2: after the word "paddy" insert the words "or other commodity".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendments were put and carried.

Clause XIV.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move:

In sub-clause (*a*): omit the word "and" occurring at the end;

In sub-clause (*c*):

(i) omit the words 'in Section 29 of the said Regulation", and

(ii) add the word "and" at the end, and

in sub-clause (*d*): omit the words "in the said Section 29".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendments were put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move: In the proposed Section 45; Explanation 3: Line 2: For the word "any" occurring before the word "average", substitute the word "an" and

In the proposed Section 46: sub-section (1): Number the present Explanation as Explanation 1 and insert the following as Explanation 2.

"Explanation: 2 — The power to fix rates includes the power to revise rates already fixed."

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendments were put and carried.

NEW CLAUSES XXIII & XXIV.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that at the end of the Bill, the following new clauses be added:—

"XXIII. In the long title to the said Regulation, for the words "michavaram and other proprietary "the words" the jenmis'" shall be substituted.

"XXIV. In the preamble to the said Regulation,

(*a*) for the words "michavaram and other customary, proprietary" the word "jenmis" shall be substituted, and

(*b*) for the words "michavaram and other", the word "jenmis'" shall be substituted."

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendments were put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now beg to move that the Bill as now amended be passed.

Sir, we are now at the end of a very long period of 18 years of strenuous labour undertaken for finding a solution for the vexed question of the Jenmi and Kudiyan controversy. It was 36 years ago that the present law came into operation. Very soon it began to give dissatisfaction both to the Jenmies and the Kudiyans and 18 years ago Government had to appoint a committee, to enquire into the whole matter. One year later, this committee submitted their report with a draft Bill. This report and draft Bill again gave rise to controversies—very bitter controversies. It was something like "from the frying pan to the fire" and the controversy became very acute. In settlement of the question, the Government published, in 1924, their first Bill to amend the existing Regulation. This too did not give satisfaction to any party; and the Bill was not introduced in this House. In fact it had to be dropped. As the matter, however, became very acute and had to be settled, the Dewan, in 1929, held a round table conference of gentlemen representing the diverse interests in order to attempt to arrive at the maximum agreement possible. This conference sat for seven days and reached certain conclusions on the lines of which the Bill which is now placed before the House for being

[Mr. Kayalam Parameswaran Pillai.]

finally passed made its first appearance here on introduction in this House, three years ago, *viz.* in January 1930. During these three years the Bill saw many phases. It went to the Select Committee twice. This House itself sat over the Bill for 12 days excluding this day and the full House went into informal conference, into a committee as it were, for three days excluding the innumerable informal consultations held in the lobbies during recess hours. Besides, the Select Committee of the House sat over this measure for twenty-three days. This does not include the number of days during which the members of the second Select Committee toured the country for taking evidence. The second Committee divided into 3 parties and each of the Revenue Divisions of the State was covered by one party. Each party was in tour from 15 to 17 days and they examined 1,273 kanam documents in this short period.

Sir, I must here specially pay a warm tribute to the members of the committee, Messrs. Tuppan Namputiripad, Tariatu Kunjitomman, Damodaran Asan, Raman Namputiripad, E. V. Krishna Pillai, K. P. Abraham, and the late Mr. Jathavedan Namputiripad, who toured throughout the country and examined these many documents in such a short time at great personal sacrifice putting forth disinterested work most strenuously. Thus, Sir, a very long period of time and labour, has been spent upon this measure. The result, however, has been very satisfactory and Government have no cause whatever, Sir, to regret the very large facilities afforded for the passage of this measure. The law of the Jenmis and the Kudiyans undergoes by the present measure very fundamental changes, but all those fundamental changes have been effected with the full consent of the Jenmi and the Kudiyan interests. The Jenmi's claims against the Kudiyan now *i. e.* under the present law consist of the yearly claims such as the yearly rent and the periodical claims, such as customary dues and the renewal fees, and also certain claims of overlordship, such as for example the right to evict and cut and appropriate trees. All these have now been consolidated and all the pecuniary claims commuted at their yearly value into a yearly rent called the jenmikaram, in *lieu of all and every one* of the claims of the jenmi in respect of the land. Sir, this idea that there should be only a yearly money claim in lieu of *all and every one* of the jenmis' claims came originally from my talented friend, Mr. Tuppan Namputiripad, to whose sound common sense and practical—mindedness supported by that of his shrewd compeers the nature of the present Bill owes so much and it was to consider this point that the Bill was committed to a Select Committee a second time. The provision relating to this yearly quit rent, in its final shape, will be found embodied in the proposed clause (17) of Section 3 with its complementary provision in the main clause of Section 5 which were passed unanimously by this House. Another question of fundamental importance on which there was great controversy and for the settlement of which there were last minute consultations with fear of a breakdown and hopes of rapprochment was the question of the periodical revision, the enhancement or reduction of the jenmis' dues, that is

of the jenmikaram. The present law provides for a 12 yearly revision with reference to the changing conditions of the yield of the land. The jenmikaram fixed by this present Bill would however be permanent until the next Revenue Settlement. After a future Revenue Settlement by Government, the jenmikaram may be revised or reduced in accordance with the results of that Settlement, according to a simple rule devised and embodied in the present Bill. This provision is embodied in the proposed Section 14 as it sets at rest a fertile cause of bitterness and litigation between the jenmis and kudiyans and the provision has had the express consent of both the jenmis and kudiyans and was passed unanimously by the House. It has also been decided by the House, again unanimously, that there should be no payment in kind in the future but that everything should be paid in money only. This provision is embodied in the proposed Section 18 which was passed by the House without opposition from any quarter. As regards the money value to be paid for the jenmies' dues in kind, no fixed value has been adopted in this Bill but the fixing of it is left to Government who will be advised by a committee in which the jenmis' interests and the kudiyans' interests will be represented in equal numbers. There is one point more, Sir, I should like to advert to, *viz.*, the method of collecting the jenmies' dues. Pursuant to a unanimous request made by both the jenmi and kudiyan interests, Government have agreed to assume the collection of jenmikarams for payment over to jenmis. Sir, there have been some points on which there were divisions in this House, and it cannot be helped in a measure of this sort. But they are all comparatively minor points and not of any daily concern or of any far-reaching consequences. On all the fundamental points, however, Sir, there has been a unique agreement. Government fully trust that this measure, based as it is substantially on agreement, will conduce to the harmony, good will and material progress amongst the large community of jenmis and kudiyans. Sir, I have very great pleasure in moving that this Bill be passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I beg to second it.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, with your permission I want to say a word. Now that we have been able to see the end of this important Bill, the end of which the whole of Travancore public have been yearning for so long, it is only proper that we in this House record with pleasure our sincere appreciation of the strenuous work done by the Law Member who has been in charge of the Bill, I mean, Mr. Kayalam Paramesvaran Pillai.

The Chairman appointed for the second Select Committee was the late Mr. Krishna Aiyangar. He was not able to do much work in the direction for which the Committee was appointed. The Law Member took charge of the Chairmanship and it was through his guidance the Committee was able to do work, as pointed out by the Law Member himself. Both as the Chairman of the Committee and as the member in Charge of the Bill, he has done commendable work and it is that that has now enabled us to see through the end of the Bill. This Bill has its own peculiar difficulties. Divergent interests were

[K. P. P. Abraham.]

represented in the same Committee and there were anxious and critical moments when the Committee discussed the Bill and when the Bill was discussed in this House. In those moments, we felt that there was a possibility of the Bill falling through on account of disagreement. But I should say that on account of the Law Member's quick perception of the divergent standpoints, his thorough mastery of the subject, and also his readiness to oblige both the conflicting interests, he was able to hold the balance even between the two conflicting interests. Although as the Chairman he was not able to tour round, he has been giving timely instructions to the members of the committees. Therefore, on behalf of myself and on behalf of my colleagues here, I have great pleasure to place on record our deep appreciation and thanks for the arduous work done in connection with this Bill by the Law Member, Mr. Kayalam Paramesvaran Pillai. I may here express our thanks to the Government for undertaking the arduous task of collecting the jenmikaram to the satisfaction of both the Jenmies and the Kudiyans.

MR. S. KRISHNA PILLAI (*Karunagapalli*): A word on this matter may not be out of place. A legislative enactment of this nature has been a matter of novel experience to all of us on this side of the House. It is only in connection with the discussion relating to this Bill that we happened to know what dangers and pitfalls there are in an important piece of legislation like this. In all these matters, we are in a position to frankly confess that the Law Member has been of considerable help and guidance to us. With his characteristic obstinacy on various points, and extreme goodwill in regard to others, we have been guided, in some instances perilously, and in other instances easily, through the Bill now taken up for third reading. This Bill had its reverses on various occasions and very many of us were even afraid that it might fall through. As the Bill is now before us, I am certain that it was never thought by those who drafted the Bill originally that it would be presented to this House. On various important points of principle, this Bill has undergone considerable changes and I am sure that the first draftsman of the Bill, as originally introduced in the House, would not be in a position to recognise the present Bill as the outcome of that Bill. The principle that has been adopted in this Bill, as I said, is at variance with, or has made a large departure from, the Bill as it was originally seen. In one important respect *viz.*, the fixing of jenmikaram it has varied considerably. There was an old proposal that in lieu of all and every right that is due to the jenmies something had to be paid. This on the basis of the Settlement pattamicham, was subsequently abandoned as unworkable and the jenmies very candidly and willingly came forward and said that in lieu of all and every dues to them they were prepared to accept an yearly payment of jenmivaram. This agreement on the part of the jenmies made the work for several of us very easy and it was after this was accepted by the jenmi members that we found that we could make headway with the Bill. After this principle was accepted,

to me it appeared that the principal points of controversy were over. Then we came to the second point of controversy, *viz.*, the revision of jenmikaram. There also we spent a day or a day and a half. After a heated discussion the jenmi members made certain proposals which were readily accepted by the members of this House. In regard to this matter though we are sanguine that we have settled the controversies that existed between the jenmi and kudiyan during the last several generations, one cannot with any emphasis say that this is a Bill which is perfect in all respects. It is a Bill which has to be worked out. It contains principles which have to be fully threshed out. In the practical application of the Bill we would be confronted with various difficulties. In the harmonious working of the principles of the Bill the non-official members of this House look forward to the Government and we trust that the responsibility that has been entrusted to Government under the Bill will be properly, deligently and carefully discharged by them. The preparation of the jenmikaram register and the realisation of the jenmikaram are two important functions that have now to be discharged by the Government under this Bill. All the principles agreed to converge to this point, *viz.*, a permanent settlement of the jenmikaram and an easy method of realisation of the same. A peaceful and satisfactory acceptance of this Bill therefore depends entirely upon the way in which Government undertake and discharge this responsibility. Sir, I make this statement not because I am afraid that Government would do their work haphazardly but I want to lay particular emphasis upon this point in the hope that Government would, when starting this work, realise that a very heavy responsibility, a responsibility which will affect the intrests of the jenmies and kudiyans, who comprise one of the major sections of the population of this country, would rest upon Government. They should realise this aspect of the question before they undertake the work that is now entrusted to them.

Sir, there are two sections with regard to the realisation of the jenmikaram: one is to be utilised by the jenmi himself until the jenmikaram register is prepared and until Government proclaimed that they are willing to realise it; and the other is vesting the responsibility of collection on Government after the jenmikaram register is prepared. The jenmies have for a long time been trying to realise their dues from the kudiyans; and the kudiyans, in their exasperation, have been on some occasions evading the payment to the jenmi. These have to be averted. I understand that that was the prime grievance so far as the jenmis and kudiyans are concerned. Now, that grievance is to be exterminated by the undertaking made by Government in regard to the realisation of the jenmikaram. No doubt it is a matter which requires some little time, but as little time as possible must be taken for the purpose of preparing the jenmikaram register and for the realisation of the dues. There are summary remedies provided under this Regulation and those remedies would perhaps inconvenience both the jenmies and the kudiyans. Government should not rest content with the hopes

[Mr. S. Krishna Pillai.]

that, even if Government are not in a position to push on vigorously with the duty of preparing the jenmikaram register, the jenmies have certain remedies open to them under the Regulation. The kudiyans and jenmies should as far as possible, be enabled not to deal with each other for any considerable length of time, especially, when there is this safe and sanguine provision in the Regulation for the Government to step in between them and collect the dues. With these few words, Sir, I support the motion now made and commend the interests of the kudiyans to the safe keeping of Government.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Sir, with your permission, I would also like to add a few words. I do so for a reason quite different from those which have been mentioned here. This is a measure which would enable the worker and the peasant to have a right over the fruits of their labour. It gives the worker a right on the land which he has improved. It is a step in the direction of the abolition of private property and abolition of the last vestiges of feudalism. Viewed from that standpoint, it is a step in the right direction. I, therefore, congratulate Government for allowing the worker and the peasant a share in the scheme of things of this world. But it has not gone far enough. They are more the result of compromise on the representations of this House and I believe this would not be the last word on the legislation as the powers of this House and this House itself become more representative of the workers and the peasants. Further amendments of this Bill will surely become necessary and they will, in course of time, be enacted by this House. But, so far as it has gone, it has helped the peasants and the workers to claim a share of the results of these labours. So far as it enables him to do so, it deserves the congratulations of the worker and the peasant. But at the same time the worker and the peasant are not satisfied with the measure. I must place on record the fact that the worker and the peasant are not satisfied with what has been passed by this House. They have their own grievances to be redressed hereafter and I should like to bring that also to the notice of the Government. But, at the same time, they congratulate Government for enacting a measure like this which has enabled them to claim their own share in the scheme of things.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I have only two words to add; I do not think that if we stop at this stage and pass on to the next item in the agenda the House would be doing justice to all those who were responsible for this very commendable piece of legislation. I am quite sure that had it not been for the historic suggestion made by, to use the words of the Law Member, our talented friend Mr. Tuppan Namputiripad, certainly this Bill could not have taken the form which it has taken to-day. Nobody thought that the jenmi's interest on the jenmom holdings could have been reduced to that irreducible minimum as is found in the Bill just now, if it were not for the suggestion made by Mr. Tuppan Namputiripad

that the jenmi community were entirely prepared to part with their interest in the land for a fixed money payment calculated on the basis suggested by him and approved of by the Council. It cannot be denied that it was with the formation of the second Select Committee to which reference has been made by the Law Member that this Bill met with such a progress. Soon after the formation of that second Select Committee, as Mr. K. P. Abraham has said, Mr. Krishna Aiyangar died and the whole thing was entrusted by the present Dewan to the Law Member. It was with him at the helm of affairs, as the head of the Select Committee, that we were able to do all that we could do.

As for the part the Law Member had in the Bill, that has been talked about and handsomely commended by all the previous speakers. The only point I wish to suggest in my congratulatory remark about the Law Member is that if anybody were to ask me to suggest to him a caricature of law I would certainly ask that gentleman to get a photo of our present Law Member. He is as unbending, as heartless, and as inexorable as law itself. We had to approach him on several occasions showing him very rosy pictures about the possibility of compromise about this and that but he would not listen to such things. He would have his own way. As was said by Mr. S. Krishna Pillai he was so obstinate and certainly it was his obstinancy which paved the way for the Bill which has attained so much now. I am also very much surprised to see him transcending, wherever necessary, the limits prescribed by the rules of this House and by the Government. His knack of coining very expressive expressions to meet the exigencies of the situation has also been admirable. He has been an Amarasimha himself in law drafting. For instance Settlement Pattamicham is an unheard of word. In ordinary parlance it has no meaning at all. But it conveys its own idea which cannot be conveyed by any other expression....... Another word is *jenmivaram*. I do not know where he has got it from. It has even caused some uneasiness to our Deputy President in as much as he could not distinguish between *jenmivaram* and *jenmikaram* on a former occasion when he spoke about them. In a way it was well and good and it is a very thorny question that has been agitating the country for a considerable length of time. And to come to a point made mention of by me on a previous occasion it is certainly to the credit of this House, which was not given its natural lease of life, that during the short period of its existence it was able to get through a very thorny piece of legislation to the satisfaction of all parties concerned and to the prosperity of the agricultural population in general in the country.

A word only about the seconder. Mr. R Nilakanta Pillai, has been indefatigably seconding almost always, about a hundred and odd times (*Laughter*). And I must express my indebtedness to the indefatigable seconder. (*Laughter*).

MR. C. N. TUPPAN NAMPUTIRIPAD (*Jenmies*): അധിക കാലമായി വഴക്കിൽക്കിടന്നിട്ടുള്ള ഈ ജന്മികുടിയാൻ കാര്യത്തെ സംബന്ധിച്ച് ഈ കൌൺസിലിൽ സമാധാനമായ ഒരു മനസ്ഥിതിയോടുകൂടി സംസാ

[Mr. C. N. Tuppan Namputiripad.]

തിക്കുന്നതിനുള്ള അവസരം എനിക്കിപ്പോഴാണു നൽകീട്ടുള്ളത് (*Hear, hear,*) ഇപ്രകാരം ഈ അവസരത്തെ ഉപയോഗപ്പെടുത്തുന്നതിലേക്ക് സംഗതി വന്നിട്ടുള്ളതിന് ഈ കൗൺസിലിനോടും വിശേഷിച്ചു ലാമെമ്പറിനോടും എനിക്കുള്ളതായ കൃതജ്ഞതയെ ഞാൻ ആദ്യമായി പ്രദർശിപ്പിച്ചുകൊള്ളുന്നു. എനിക്കിവിടെ വളരെ അധികമൊന്നും പറയാനില്ല; ചുരുക്കം ചില സംഗതികൾ മാത്രമേയുള്ളു. ഈ രാജ്യത്തുള്ള എല്ലാ ജന്മിമാരുടേയും പ്രാതിനിധ്യത്തോടു കൂടിയും അവരെന്നെ സർവ്വദാ വിശ്വസിച്ചും അയച്ച ഒരു മെമ്പറാണു ഞാൻ. എന്നാൽ ഞാൻ എന്റെ മനസ്സാക്ഷിയെ വഞ്ചിച്ച് ഒരിക്കലും ഈ കൌൺസിലിൽ യാതൊരു നടപടികളും നടത്തീട്ടില്ല എന്നുള്ളതും പ്രത്യേകം രേഖപ്പെടുത്തേണ്ടതായ ഒരു സംഗതിയാണു. (*Hear, hear,*) ജന്മികുടിയാൻ കാര്യത്തെസംബന്ധിച്ചു കുറച്ചധികം കാലമായി സ്വൈരക്കേടായി വർത്തിച്ചുവരുന്നതിനാൽ ഏതു നിലയിലും ജന്മിക്കോ, കുടിയാനോ കുറെ നഷ്ടം വന്നാലും ഈ വഴക്കു പര്യവസാനിക്കണമെന്നുള്ള ഏക ഉദ്ദേശം മാത്രമാണ് ഈ കാര്യത്തിൽ ഞാൻ ചുമതലവഹിച്ച നിമിഷം മുതൽ എന്റെ മനസ്സിൽ ഉണ്ടായത്. ഒരു പരിവർത്തനഘട്ടത്തിൽ പല സങ്കടങ്ങളും സുഖങ്ങളും അതിലുൾപ്പെട്ടിരിക്കുന്നവർക്കു ലഭിക്കുന്നതായതുകൊണ്ട് ആ നിലയിൽ അവരതു സഹിക്കുവാൻ ഒരുങ്ങേണ്ടതാണ്, അതവരുടെ കർത്തവ്യവുമാകുന്നു. എന്നാൽ ജന്മിമാർക്ക് ന്യായമായി വരാൻപോകുന്നതായ അനുഭവത്തെപ്പറ്റി യാതൊന്നും ആലോചിക്കുവാൻതന്നെ ജന്മിലോകത്തിനു സാധിക്കുമോ എന്നെനിക്കു വളരെ സംശയമായ നിലയിലാണിരിക്കുന്നത്. ഇവിടെ ഒരു ഭാഗത്തെപ്പറ്റി എന്റെ സ്നേഹിതൻ മി. ഗോപാലകൃഷ്ണപിള്ള പറഞ്ഞിട്ടുള്ളതിനോട്, ആ നിലയിൽ, അതായത് സ്വാർത്ഥസ്വത്തിന്റെ നാശത്തിലേക്കു അനുകൂലിക്കുന്നതിനു യോജിക്കുവാൻ എനിക്കു നിവൃത്തിയില്ല എന്നുകൂടി പറയേണ്ടിവന്നു. ഇപ്പോൾ സ്വാർത്ഥമായ സ്വത്തിന്റെ നാശത്തിനുവേണ്ടി ശ്രമിക്കുമ്പോൾ, അതൊരുപക്ഷെ, ആ സ്വത്തിന്റെ ഉപയോഗകർത്താവിന് സങ്കടകരമായിട്ടും വരുമെന്നുകൂടി അദ്ദേഹം ഓർക്കേണ്ടതാണ്. അതിൽ കൂടുതലായി യാതൊന്നും ഈ കാര്യത്തെപ്പറ്റി ഞാൻ അനുസ്മരിപ്പിക്കണമെന്നു വിചാരമില്ല. ഏറെക്കുറെ ഈ ബില്ലിന്റെ തത്വത്തെ നോക്കിയാൽ ഇന്നു നിലവിലിരിക്കുന്ന ജന്മികുടിയാൻ ബില്ലിന്റെ തത്വങ്ങളെക്കാൾ

വളരെയൊക്കെ ന്യൂനതവന്നിട്ടുണ്ടെങ്കിലും ഈ രാജ്യത്തുള്ള ജന്മിയും കുടിയാനും തമ്മിലുള്ള സൗഹാർദ്ദത്തിന് കൂടുതൽ ഗുണമുണ്ടായിട്ടുണ്ടെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. ഈ ബില്ല് ഏതുനിലയിലും ഈ ഘട്ടത്തിൽ പര്യവസാനിക്കുക എന്നു വന്നതു് കൃതാർത്ഥതക്കു വകനൽകുന്നുണ്ട്. ആദ്യമെനിക്കുതോന്നി, ഈ ബിൽ ഈ കൗൺസിലിൽ പാസാക്കാതെതന്നെ അങ്ങനെ കുറെ നീണ്ടുകിടക്കട്ടെ എന്നു വിചാരിച്ചു. അന്ന് ഞാൻ ൧൮൯൬-ാം മാണ്ടത്തെ റഗുലേഷൻപ്രകാരം പന്ത്രണ്ടു കൊല്ലം കഴിഞ്ഞാൽ കാലഹരണംവരുന്നു എന്നുള്ള വകുപ്പ് ഇരുപതുകൊല്ലമെന്നാക്കണമെന്നു പറയുകയുണ്ടായി. അപ്പോൾ ഒരു സ്നേഹിതൻ എന്നോടു പറഞ്ഞു, കാലം മുമ്പോട്ടാണു പോകുന്നതു്, പിമ്പോട്ടല്ല എന്ന്. ആ അവസരത്തിൽ ഞാനൊന്നു പഠിച്ചു ജന്മിക്കു നഷ്ടംവരുന്നകാലത്തോളം കാലം മുമ്പോട്ടും ലാഭം വരുന്ന കാലത്തോളം പിമ്പോട്ടും പോകുമെന്ന്. ആ പാഠമനുസരിച്ച് ഇനിയും ഈ ബില്ല് പാസ്സാക്കാതെ ഇടുകയാണു ചെയ്യുന്നതെങ്കിൽ കാലം മുമ്പോട്ടാണു പോകുന്നതു്. നിശ്ചയമായും ജന്മിക്ക് യാതൊന്നും കിട്ടുവാൻ സാധിക്കുകയില്ല എന്നെനിക്കു തോന്നി. അതുകൊണ്ടിന്നത്തെ കൗൺസിലിൽ തന്നെ ഇതു പാസായാൽ ജന്മിമാരുടെയും കുടിയാന്റെയും ഇന്നത്തെ സ്ഥിതിയനുസരിച്ചുള്ളനില അറിയാവുന്ന കൗൺസിലിൽ പാസ്സായാൽ കൊള്ളാമെന്ന് വിചാരിച്ചാണ് ഞാൻ ഈ ബില്ല് ഇനിയും മുമ്പോട്ടുകൊണ്ടുപോകുന്നതിന് ധൈര്യപ്പെട്ടിരുന്നതു്. അതുകൊണ്ട് ഈ അവസരത്തിൽ ഇതു പാസാക്കിയതിൽ എനിക്കു വളരെ സന്തോഷമുണ്ട്. ഇതിന്റെ ഭാവി ഫലം അനുഭവിക്കുന്നതിലേക്കു ഗവൺമെന്റു നല്ലവണ്ണം ശ്രദ്ധവയ്ക്കേണ്ടതായിട്ടാണിരിക്കുന്നതു്. ഇപ്പോൾ പാസായ ബില്ലിൽ ജന്മിമാർക്കു വളരെ അവിശ്വാസം ജനിപ്പിക്കുന്ന ഒരു വകുപ്പുണ്ട്. രണ്ടു കൊല്ലത്തേക്ക് ഗവൺമെന്റിനു പിരിവുഭാരം ഏറ്റെടുക്കുവാൻ നിവൃത്തിയില്ലാതെ വന്നിരിക്കുന്നതിനാൽ, ലാമെമ്പർ അതിലൊന്നും സംശയിക്കേണ്ടതില്ലെന്നും അങ്ങനെ സംശയിക്കേണ്ട അവകാശമില്ലെന്നുമൊക്കെ സമാധാനപ്പെടുത്തീട്ടുണ്ടെങ്കിലും എന്തോ അവിശ്വാസമുണ്ടായിരിക്കുന്നു. ഗവൺമെന്റു പിരിവുഭാരം ഏറ്റെടുക്കുവാൻ മടിക്കുകയോ, അല്ലെങ്കിൽ അതിൽനിന്നും പിന്മാറുകയോ ചെയ്താൽ അതു ജന്മിമാർക്ക് വളരെ സങ്കടകരമായ ഒരു കാര്യമാണ്. അതുകൊണ്ട് അടുത്ത അവസരത്തിലെങ്കിലും ആ ഒരു വകുപ്പ് ഇതിൽനിന്നും മാററിക്കളഞ്ഞു പിരിവുഭാരം ഗവൺമെന്റു തന്നെ പൂർണ്ണമായി വഹിച്ച് ഇതു ഭംഗിയായി നിർവഹിക്കണമെന്നുള്ള അപേക്ഷ ഗവൺമെന്റിനോടും വിശേഷിച്ചും

[Mr. C. N. Tuppan Namputiripad.]

ലാമെമ്പറിനോടും ഞാൻ അഭ്യർത്ഥിക്കുകയും മേലാലും ജന്മിയും കുടിയാനുമെന്നുള്ള ബന്ധത്തേയോ മറ്റു ബന്ധത്തേയോ ഒക്കെയും മറന്നു രാജ്യത്തിൽ മനുഷ്യൻ മനുഷ്യനാണെന്നുള്ള വിചാരത്തിൽ ജന്മിമാരായ ഞങ്ങളോടും ഈ കൗൺസിലിലെ അംഗങ്ങൾക്കും അല്ലെങ്കിൽ കുടിയാൻ ലോകത്തിനും അനുകമ്പയുണ്ടാകണമെന്നപേക്ഷിക്കുകയും ചെയ്തുകൊണ്ട് ഞാൻ ഈ ബിൽ പാസാക്കുന്നതിനോടുകൂടി അനുകൂലിച്ചു കൊള്ളുന്നു.

MR. C. P. BHATTATHIRI (*Co-opted*): സർ, എനിക്കും ഒരു സംയുക്തസാമാജകൻ എന്നുള്ള നിലയിൽ രണ്ടു വാക്കിവിടെ പറയേണ്ടതായിട്ടുണ്ട്. ജന്മിയും കുടിയാനുമായുള്ള ബന്ധം വളരെ പുരാതീനമായിട്ടുള്ളതാണ്. ഗവൺമെന്റു യാതൊരിടപാടിലും പങ്കുകൊള്ളാതിരുന്ന കാലത്ത് അവർ തമ്മിലുള്ള ബന്ധം വളരെ ദൃഢമായിട്ടുള്ളതായിരുന്നു. ഇടക്കാലത്ത് ജന്മിമാരുടെ ഗതി അനുസരിച്ച് അവരുടെ ബന്ധത്തെ നിയന്ത്രിക്കുന്ന ഒരു രാജകീയവിളംബരം ഇതേ സംബന്ധിച്ചുണ്ടാകുകയും ഇതുവരെ രണ്ടുകക്ഷികൾക്കും ആ വിളംബരമനുസരിച്ചുള്ള ഫലമുണ്ടാകുകയും ചെയ്തു. അതുമുതലാണ് ജന്മിയും കുടിയാനുമായി ഇതിനുമുമ്പുണ്ടായിരുന്ന ബന്ധം—ആ സൗഹാർദ്ദവും സാഹോദര്യവും—ക്രമേണ ഇല്ലാതെയാകുകയും അല്ലെങ്കിൽ കുറഞ്ഞുപോകുകയും അങ്ങനെ ജന്മിക്കും കുടിയാനുമായുള്ള ദൃഢബന്ധത്തിനു ക്രമേണ ശൈഥില്യം ഭവിക്കുകയും ചെയ്തിട്ടുള്ളത്. ആ നിയമപ്രകാരമുണ്ടായിട്ടുള്ള വ്യവസ്ഥ അനുസരിച്ച് ഓരോ ഭാഗക്കാരും അതുമുതൽ അടിക്കടി എന്നു മാത്രമല്ലാ എല്ലായ്പ്പോഴും വ്യവഹാരപ്പെടുവാൻ ഇടവന്നിട്ടുണ്ട്. അങ്ങനെ വ്യവഹാരത്തിൽ ഒരോരുത്തരും വാദികളും പ്രതികളുമായിത്തന്നെ കഴിച്ചുകൂട്ടുക എന്ന അവസ്ഥ വന്നതുകൊണ്ട് ജന്മിയും കുടിയാനും തമ്മിലുള്ള ആ ബന്ധത്തിന് അല്പ സ്വല്പമായ ഉടവുതട്ടിക്കാണുമായിരിക്കാം. ൭൧-ലെ അഞ്ചാം റഗുലേഷനിൽ ഈ ന്യൂനത കാണുന്നതിനെ സംബന്ധിച്ച് ഇരുഭാഗക്കാരും പരാതിപറഞ്ഞുകൊണ്ടിരിക്കുകയായിരുന്നു. ഇപ്പോൾ ആവശ്യമുള്ള വ്യവസ്ഥകൾ ഉണ്ടാക്കിയിരിക്കുന്നതു രാജ്യശ്രേയസ്സിനു വളരെ ഉപയോഗപ്രദമായി തീരുമെന്നാണെന്റെ അഭിപ്രായം. ഈ വിഷയത്തിൽ ലാമെമ്പറും ഗവൺമെന്റും ഈ ഹൗസിലുള്ള എല്ലാ സാമാജികന്മാരും ക്രമത്തിലധികം ക്ലേശിക്കുകയും ബുദ്ധിമുട്ടുകയും ചെയ്തിട്ടുണ്ട്. ഈ ബിൽ അവതരിപ്പിച്ചു കുറച്ചുനാളത്തേക്ക് എനിക്കു സംബന്ധിക്കുവാൻ കഴിഞ്ഞില്ലെങ്കിലും ഞാനും കൂടി ഉൾപ്പെട്ടു നടത്തിയ ഏതാനും ദിവസത്തെ യോഗനടപടികൾകൊണ്ട് അതിന്റെ ദുർഘടങ്ങൾ

ഏറെക്കുറെ അനുഭവിച്ചറിയുവാൻ എനിക്കു കഴിഞ്ഞിട്ടുണ്ട്. ശരിയായ സാമർത്ഥ്യവും ബുദ്ധിശക്തിയും പ്രദർശിപ്പിക്കുന്നതിന് പണ്ഡിതനായ ലാമെമ്പക്കു കഴിഞ്ഞിരുന്നില്ല എന്നു വരികിൽ ഇത്രയുംതന്നെ സമാധാനപരമായും തൃപ്തികരമായും ഈ ബിൽ പാസാക്കുവാൻ സാധിക്കുമായിരുന്നില്ല. ജന്മിമാരുടെ വകയായ ജന്മികരം പിരിച്ചെടുക്കുന്നതിനുള്ള ഭാരം ഗവൺമെൻറു കയ്യേററുകഴിഞ്ഞാൽ പിന്നീടുള്ള അവസ്ഥ എന്താണെന്ന് അനുഭവിച്ചുമാത്രമേ അറിയുവാൻ നിവൃത്തിയുള്ളു. മേലും ഗവൺമെൻറു ജനങ്ങൾക്കു ഗുണപ്രദമായ നിലയിൽ ഇതിനാവശ്യമായ മാററങ്ങൾ അപ്പോഴപ്പോൾ ചെയ്തുതരുമെന്നുള്ള വിശ്വാസത്തിൽ എൻെറ വ്യക്തിപരമായും സമുദായത്തിനുവേണ്ടിയുമുള്ള യോജിപ്പിനേയും കൃതജ്ഞതയേയും ഇവിടെ പ്രദർശിപ്പിച്ചുകൊള്ളുന്നു.

PRESIDENT: I think I may take it that the House accepts the motion.

The question that the Travancore Jenmi and Kudiyan Regulation Amendment Bill, as amended by the Council, be passed, was put and carried *nem con.*

PRESIDENT: I congratulate the House.

THE TRAVANCORE MUNICIPAL REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that in the Proviso to the proposed Section 199 (3), for the word "*Municipality*" the word "Council" be substituted.

It is merely a verbal amendment; the main provision in the immediately previous paragraph refers to '*Council*', and Section 61 also which refers to the authority that is competent to impose taxes refers only to "the *Council*". Hence by this change no substantial change is intended.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as now amended be passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried.

THE TRAVANCORE TOWN-PLANNING BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that in clause 1 (3) the words "*at once*" be substituted for the word "*on*".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that the Bill as amended be passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried *nem con.*

THE POLICE REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that at the end of clause 1, sub-clause (1) the figure "*8*" be added so that the Short Title may read as

"The Travancore Police (Amendment) Regulation 1108."

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I move that the Bill as amended be passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The motion was carried *nem con.*

THE TRAVANCORE INSOLVENCY BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that, in clause 1 (1), line 2, the figure "*1108*" may be substituted for the figure "110".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the following be substituted for the present provision in clause 1, sub-clause (3) :—

"It shall come into force on the first day of Kumbhom 1108"

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that in clause 82 the figure "(1)" be deleted. As there is no sub-clause the figure (1) is not necessary.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I beg to move that in clause 84, line 1, the word "*apply*", occurring between the words "*shall*" and "*as*", be omitted, and that the words "*apply also*" be inserted between the words "*be*" and "*in*".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional H ad Sirkar Vakil*): I beg to move that the Bill as amended be passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried *nem con.*

THE TRAVANCORE PROVIDENT INSURANCE SOCIETIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that in clause 1, sub-clause (1), the figure "*1108*" be substituted for the figure "110," and that the following be inserted in the space now left blank at the end of clause 1, sub-clause (3):

"*the first day of Kumbhom 1108.*"

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was carried *nem con.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as now amended be passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was carried.

THE TRAVANCORE KSHATRIYA BILL.

MR. RAMA VARMA RAJA (*Edavagai*): തിരുവിതാംകൂർ ക്ഷത്രിയ ബിൽ മൂന്നാമത്തെ വായനയ്ക്കു കൊണ്ടുവരുന്നതിന് മുമ്പു രണ്ടു മൂന്നു അമൻറുമെൻറു ഇതിൽ പാസാക്കേണ്ടതായിട്ടുണ്ട്.

Sir, I beg to move the following amendments:

(1) In clause 1, sub-clause (1) after the word "of" add the figures "1108."

(2) In clause 1, sub-clause (2), add, after "*on*", "*the first of Medam 1108.*"

(3) In clause 2, line 1, at the end substitute a *coma* for the *colon and dash.*

(4) In clause 2, sub-clause (5), substitute "*Thavazhies*" in place of "*Thavazhi.*"

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): I second the amendments.

The amendments were carried *nem con.*

MR. RAMA VARMA RAJA (*Edavagai*): I beg to move that the Bill as now amended be passed.

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): I second it.

The motion was carried *nem con.*

THE WILLS REGULATION AMENDMENT BILL.

MR. P. S. MAHOMED (*Nominated*): ഈ വിൽസ് റഗുലേഷൻ അമൻഡുമെൻറു ബില്ലിൽ താഴെപറയുന്ന ഭേദഗതികൾ കൂടി ഞാൻ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

[Mr. P. S. Mahomed.]

I beg to move that, in the Preamble, the word "*Travancore*" be inserted before the words "*Wills*" and the figures "*1074*" after the word "Regulation."

and also that the following be substituted for clause 2 :—

"Section 8 of the Travancore Wills Regulation VI of 1074, shall be omitted."

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*) : I second the amendments.

The amendments were carried *nem con.*

MR. P. S. MAHOMED (*Nominated*): ഈ ഭേദഗതികൾ ചെയ്തതനുസരിച്ചു. ഈ ബില്ലിന്റെ മൂന്നാം വായന നടത്തണമെന്നു ഞാനപേക്ഷിച്ചുകൊള്ളുന്നു.

MR. M. MAHOMED MUSTAPHA (*Commerce and Industry, South*): I second it.

The motion was carried *nem con.*

THE TRAVANCORE CHITTIES REGULATION AMENDMENT BILL.

PRESIDENT : Mr. Krishna Pillai, do you move your amendment No. 4 in the list?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Before I move the amendment, I may be permitted to make one statement. That is with regard to the first part of Section 52 (1). In an informal discussion that I had with some of my friends here, I was made to understand that the majority mentioned therein, *i. e.*, "by a majority of not less than two-thirds in number of the subscribers present at the meeeting should consist of three-fourths in the value of the number of subscribers. Several of them have been convinced of the strength and reasonableness of that demand. If that is so, I beg to state that the Law Member himself should bring in an amendment like the following: "such majority being not less than three-fourths in value of the number of subscribers..." Such an amendment should be permitted to be brought by the Law Member at the third reading, because it is absolutely necessary. Otherwise, it will frustrate the object of the entire scheme and the working of the new Regulation. The Law Member may be asked whether he has any objection to that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If there is a general agreement in the House on this, I have no objection. I do not however want to create any controversy.

PRESIDENT : Can you ascertain what the general sense of the House is ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yesterday, so far as I was able to ascertain, that was the general sense of many members who were present at the time. But some members were not there and so I have to ascertain their opinion also before I bring such an amendment at the third reading.

PRESIDENT: Do you make your amendment now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not at this stage, Sir.

PRESIDENT: We will proceed to amendment No. 4, standing in the name of Mr. Krishna Pillai.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I move the following amendment. In the proviso to section 52 (1) delete the words "or beyond such further period or periods.........time." Then the proviso reads thus:

"Provided that neither the date of any instalment in a chitty nor the date for the termination of a chitty shall, by such resolution, be postponed beyond one year from the date of the passing of the Amendment Regulation."

In regard to this amendment, the only statement I have to make is this. There is a statutory enactment which confers a large freedom of agreement as between the foreman and the subscribers. The whole scheme of the Chitties Regulation was conceived on that basis. It is not a one man contract or proposal. Nor is it a proposal in regard to which Government could exercise any supreme control. Now Section 52, clause (1) itself is a deliberate move that takes away from the body of subscribers the right to postpone or to conduct a chitty. With the amendment that is now proposed and agreed to by the Law Member to be brought in at the third reading, I believe, much of that blemish that will otherwise be attached to this piece of legislation will disappear. The next defect consists in allowing the portion, *viz.*, "............period or periods as Our Government may fix from time to time." That I submit is a very dangerous piece of right that is vested in Government by a statutory enactment. This is a matter affecting not one subscriber or one foreman. It is not a matter affecting one chitty alone. It is a matter which affects the whole class of subscribers and foremen throughout the State. For that matter, it would be convenient so far as one body of subscribers and foremen are concerned to proceed with the chitty. It may be disadvantageous so far as another body is concerned. In regard to this matter it may not be possible for the Government to institute a thorough and detailed enquiry as to whether all the subscribers and all foremen in the State, as a matter of fact, require an extension of time. This is a matter which has to be left to the discretion of subscribers. If this Section were to stand as it is, the right to postponement of the chitty vests simply with Government. How is the Government machinery to be moved? How are they to be induced, either to exercise this right or not? In this case, it will be the foreman who will have the right to ventilate his grievance with greater facility and speed than the subscribers. Therefore, if half a dozen men were to join together and to represent to Government, it is for their interest that a further extension of time has to be given and if Government are then called upon to extend the time, that will be detrimental to the interests of various subscribers whom Government were not in a position to

heard; or, it may be the other view also, *i. e.*, a few of the subscribers might press on the attention of Government to take some steps towards the exercise of the powers conferred upon them under the section. It is not at all safe that Government should be entrusted with the power. They will be not only doing something against public policy but will be open to severe attacks at the hands of the public in one respect or another. Government are courting a bad predicament. For, no benefit expected to be derived from the steps contemplated to be taken by them in this very small matter, why should Government interfere and allow themselves to be abused by the public at large? It is a very serious responsibility that is contemplated to be thrust upon the Government under this Section. I could very well appreciate if some provision is made enabling the court to postpone chitties for a limited period. There judicial evidence is taken according to the manner prescribed by law. There the court has very little chance of erring in judgment. Here, Government are not giving any facility for that. This Section does not provide for any method by which Government can take evidence and weigh that, and then come to a conclusion which will certainly be detrimental to one party and advantageous to another. In as much as there is absolutely no necessity for Government to do like that, and that there is no provision which would satisfy the public that the Government would exercise the discretion vested in them in the right way, I am firmly of opinion that this is a very mischievous clause that ought to be taken away in the interests of public justice and public policy.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I also support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am prepared to concede that Government do not want power for themselves to extend the provisions of this Regulation for the purpose of postponing the Chitties. If there is any strong opposition in regard to that, I am prepared to yield to it and Government will if necessary bring another Bill for further postponment of the chitties.

The amendment was then put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move the following amendment —

Section 52, sub-section (1): After the proviso, add the following Explanation, namely:—

"EXPLANATION.— *A subscriber may be present and vote at a meeting either in person or by proxy.*"

It may not always be possible for subscribers to be present at a meeting. So I want to provide for their voting by proxy. On the analogy of the provision in the Companies Regulation, this amendment has been drafted.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, if the amendment which the Law Member promised he would bring forward at the third reading to Section 52 (1) to the effect that such a majority will be not less than three-fourths of the subscribers, were brought in, then there is no harm in accepting this amendment. Otherwise it will be a very pernicious amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have promised to place that amendment before the House and that promise stands.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I oppose this amendment. It is a very serious provision affecting the rights of the parties to a chitty. Even otherwise it is seen that the proxy system, especially in chitty affairs, is not working well and the very same system admits of great scope for misrepresentation and fruad. In as much as there is no provision made here to ascertain, correctly the *locus standi* of anybody who calls himself a proxy, and in as much as the subscriber is made liable for the undertakings given by proxies at such meetings, I do not think that the introduction of the proxy system in such a very vital affair is in any way desirable.

MR. A. NARAYANA PILLAI (*Vaikam*): ഉടമസ്ഥൻ തന്നെ രേഖാമൂലമായ സമ്മതമെഴുതി അയച്ചാലോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): അതു തന്നെയാണല്ലോ പ്രാക്സി (Proxy) എന്നു പറയുന്നതും.

I leave it to the general sense of the House to decide on this matter. Personally, I think that if it were for some other less important thing than the provision here made, it would have been well and good. But for such a very serious thing in which even the Government wanted to take some part, I think proxies ought not to be allowed to interfere.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*) I second the opposition.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to add except that there is a similar provision in the Companies Regulation applying to Companies meetings.

The amendment was put and carried.

The following amendment was not moved :—

MR. S. KRISHNA PILLAI : In Section 52 (3), delete the words "by a resolution passed under sub-section (1)."

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I move the following amendment to clause 52 (3).

Omit the following words at the close : "provided that no defaulting subscriber shall be entitled to receive any amount in the distribution."

I wish to speak only one or two words in support of this amendment. There is a provision made to enable subscribers to get interest which they may lose by the postponement arrangement. If on the date to which the chitty is postponed, a particular subscriber fails to pay money, he will not be entitled to get the interest which is due to him from the foreman The illustration clearly says that that interest shall be taken by the foreman. I refer to illustration No. (b) at the close. This interest is given to the subscriber because the chitty is postponed and he has incurred a loss. This provision is not made with the intention of offering any inducement to the subscribers to pay their money at the proper time. If the subscriber does not pay his instalment amount at that time, of course, he will have to pay interest. There will be provisions in the *vari la* enabling the foreman to realise the interest on the default amount and other penalties. I do not understand why a further penalty should be imposed even upon a subscriber who defaults to make the payment by one or two hours This helps the foreman to an extent to which he does not deserve help The foreman is receiving interest from subscribers who are prized but he is allowed to keep the amount collected for himself though he does not deserve that. These are the reasons which prompt me to move this amendment.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): I second the amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, I have to oppose the amendment. The defaulting subscriber is not entitled to any share in the interests contributed by the prized subscriber. The prized subscriber is made liable to pay interest because he gets some time for making the payments due from him. When he pays such an interest for the amount which that prized subscriber gets, the defaulting subscriber who makes his part of the default is not entitled to any part contributed by the prized subscriber.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does not the foreman get the interest?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): That is what I am going to say. It is the duty of the foreman to pay the money to the subscribers. Whether the prized subscriber or non-prized subscriber pays the money collected towards the payment by the foreman, the foreman has to pay the amount to the subscribers. Even if the money is not given by the subscribers the foreman will have to find money to pay the subscribers. On this ground, I oppose the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Si kar Vakil*): Sir, I also oppose this amendment. Mr. Damodaran Asan asked the question why a person who was late by an hour or two should be denied the interest that is distributable. Here, Sir, it is not a question of being late by an hour or two. The question is whether a defaulting subscriber can get interest. If a subscriber is a defaulting subscriber, then he cannot get interest. *When* a person becomes a defaulting subscriber should be determined by the terms of the *variola*. But if he becomes a defaulting subscriber, he should not be given interest.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Suppose the term 'defaulting subscriber' is not defined in the *variola*. What is the meaning which the Law Member wishes to convey by the term 'defaulting subscriber'?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If no one is a defaulting subscriber, then nobody will lose interest.

MR. A. NARAYANA PILLAI (*Vaikam*): ചിട്ടി പിടിച്ച ചിററാളനു. വീതപ്പലിശക്കവകാശമുള്ള ചിട്ടിയാണെങ്കിലോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): വീതപ്പലിശയുടെ ഇനത്തിലാണല്ലോ അതുൾപ്പെടുന്നതു്. ചിട്ടിപിടിച്ച വക്കു പണം കൊടുക്കണ്ടേ? അതിനു താമസംവന്നുകൂടാ.

The defaulting subscribers are delayed from prizing their tickets. Because they are delayed, I have provided that they should be given some interest for the period of their delay.

MR. A. NARAYANA PILLAI (*Vaikam*): പിടിച്ച ചിററാളന്മാക്കു പണം കൊടുത്തില്ലെങ്കിലോ? എന്നാൽ വീതപ്പലിശ കൂടി ഉൾപ്പെടുത്തി വീതിക്കാമോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങനെ വരുന്ന അവസരങ്ങളിൽ എങ്ങനെ വീതിക്കാമെന്നും മററും ചിട്ടിവച്ചോലയിൽ പറഞ്ഞിരിക്കും.

So that, if a subscriber, is defaulting, he is not entitled to interest. Suppose he is defaulting, and the chitty is prized who will pay the prize money to the prize winner?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The foreman will pay because he has other remunerations also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different matter. He has to pay that money also which the defaulting subscriber ought to have paid.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): He has other items of income, such as, commission.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He gets commission only for conducting the chitty but he will have to pay for the defaulting subscriber.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the foreman get any such income now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. But he will get the full amount from him.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Even now he has to do the same. But does he get interest now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, he does not. He will be denied the rigts against the subscriber for, say, 6 months more,

MR. A. THANU PILLAI (*Trivandrum*): If the period is extended where is the loss to the foreman?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the meanwhile the foreman has to find money and meet other claims.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The defaulting subscriber has the benefit of his defaults. Interest on the amount which he has defaulted goes to his benefit.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not what I mean. If a person is a defaulting subscriber he can get his money only at the end of the chitty. In the meanwhile the foreman has to find money for the prized subscriber. Where will he get that money from?

MR. A. THANU PILLAI (*Trivandrum*): As for that even if the chitty was not postponed the position is the same. So I ask the question in the prejudicially event of postponement, whether the defaulting subscriber if not affected to this extent that he cannot claim the amount at the time of the close of the chitty as originally arranged but only some time later?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkrar Vakil*): That is a matter of argument.

MR. A. THANU PILLAI (*Trivandrum*): Is it contemplated that the defaulting subscriber is also a subscriber for the purpose of the meeting?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. If he is a defaulting subscriber on the date of the meeting why should he be given the interest?

MR. A. THANU PILLAI (*Trivandrum*): May I know whether his right to claim money as originally arranged is lost by his defaults?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is the law. If he wants postponement then that will necessarily follow. He does not require any mercy because of his default.

MR. A. THANU PILLAI (*Trivandrum*): Can it not be that he became defaulter on account of the conditions which instituted the law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is the law we are going to enact. If we are postponing the chitty how will the foreman be able to pay the money at the appointed time as originally arranged?

MR. A. THANU PILLAI (*Trivandrum*): What I ask is, what harm is there in enabling him also to get a share of the interest accumulating on account of the postponement?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In law he is not a subscriber on that date. That will be the simple answer.

MR. A. THANU PILLAI (*Trivandrum*): Can we legislate affecting his right adversely?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In law he is not a subscriber to the chitty on that date.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I support the amendment. It is not correct on principle to say that the defaulting subscriber is not a subscriber on the date on which the chitty is to be postponed because Section 52 (1) says:—

[Mr. S. Krishna Pillai.]

"Notwithstanding anything contained in the foregoing provisions, the date of any instalment, or the dates of the instalments, in a chitty as well as the date on which the chitty is to terminate, may be altered by a resolution passed at a meeting——"

These are the only three classes of cases in which Section 52 (1) enables foreman or subscriber to postpone the chitty. Now the learned Law Member said that the defaulting non-prized subscriber is a sinner because he has defaulted and that his case need not be taken into consideration. Under the Chitties Regulation as defined in Section 33 (1) to (6) he is entitled to claim his money. Now, what happens in this case? It is said that a chitty can be postponed to one year from the date on which the Amendment Reguiation comes into force. If that is so, is not the defaulting subscriber entitled to realise the money on the date of the termination of the chitty? By this amendment he is being denied his right to realise that money. Therefore, as the foreman has to pay the money according to the contract at the termination of the chitty he is bound to pay interest on it to the defaulting subscriber also for the period for which it is postponed. So, it is not right to say that the defaulting subscriber is a person who is entitled to no consideration at all at the hands of anybody. The learned Law Member asks the question—where is the intetest to come from if the prized subscriber does not pay the money. Now, here is the provision made for payment to prized subscriber of the money that is legitmately due to him. The Section says that it shall be distributed amongst the non-prized subscribers at a particular rate. If the termination of the chitty is postponed for one year there will be non-prized subscribers and defaulting non-prized subscribers on that date in the chitty. The foreman's liability is not to end with the non-prized subscriber but also with the defaulting prized and non-prized subscriber. If therefore a foreman is liable to pay to these people, I belive, they have got their claims adjusted out of the prized subscribers for whose benefit alone this moratorium is granted. I am quite certain that non-prized subscribers also are entitled to share the interest that is to be paid by the prized spbscriber. It is also not correct to say that a defaulting non-prized subscriber should not be paid anything because he is a defaulting subscriber. My reason is this. Under the Regulation any person who entered into a contract with the foreman was guaranteed that the date of the termination of the chitty will not be postponed. But now we find that the date of the termination shall also be postponed. When a person joins a chitty he has got the assurance that in the natural course of things he will get his money at the termination of the chitty which date is fixed in the *variola* itself. So, a man might have joined the chitty in the hope that he will get back his money at the end of ten years. Now, under the present Regulation chitty may be postponed for one year from the commencement of the Regulation. What is the result of that? The non-prized subscriber has no right to vote because he has ceased to function as subscriber in the chitty. He has not to be listened to. He is not allowed to take part in the deliberations of the subscribers and the foreman. Therefore, the legislature says that as the rule now stands he is not to

be heard and he cannot insist upon his voice being heard. But he is given an assurance under the existing Regulation that on such and such a date the chitty will terminate and he will get his money in accordance with the rules of the *variola*. What is the natural and logical result of this innovation that is now sought to be made? As I said he cannot take part in the deliberations. Behind his back all the subscribers come and cry for the postponement. What is the result of the postponement? He cannot get the money legitimately due to him for one year more. If the intervening instalment of a chitty is postponed the natural result will be that the termination of the chitty will be postponed. Now for whose benefit or interest is the payment delayed for one year? The law not only demands that justice must be done to him but also that it is imperative that his case should not be forgotten. No legislature should come forward and say that he shall be deprived of his legitimate right.

MR A. THANU PILLAI (*Trivandrum*): I wish to know from the member what according to him should be the method of distribution of interest in a case where a person has defaulted from the 5th instalment and another man is put in his place and the chitty is continued for another five or six instalments more. As it is proposed now the clause reads thus:—

> "The amount of such interest shall, on the date to which the instalment was postponed, be distributed by the foreman amongst the non-prized subscribers reateably according to the value of the ticket held by each——"

MR. S. KRISHNA PILLAI (*Karunagapalli*): Where a defaulting subscriber is removed and another man is put in there is real difficulty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But there may be cases in which a substitute may not be appointed and the foreman will be in charge of the defaulter's ticket.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If we cannot decide correctly as to the proportion, then we may better leave it to the Regulation itself to work it out.

MR. M. GOVINDAN (*Nominated*): May I suggest a solution? The amount may be worked out rateably according to the value subscribed.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes, that is one method. Anything might be done. Let the foreman decide it for himself.

Pay him his legitimate dues; recompense him.

MR. M. GOVINDAN (*Nominated*); Does the member prefer deleting the present provision and making some adjustment?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I was for the deletion of the whole of Section 52. That ought not to find a place in the Statute. But there was none to support me. Clause after clause, provision after provision, we have been considering, and we find, in every one of them some advantage conferred upon one party and some hardship imposed upon some other party. That was why I opposed the provision. But everybody here seemed to think that the provisions were a blessing to the people; everybody was for it.

[Mr. S. Krishna Pillai.]

My question is, how are you going to recompense the non-prized defaulting subscriber when you postpone the date, on which money is due to him, behind his back? I submit that Mr. Asan's amendment must be allowed because it appears to me the most innocuous method of solving a difficulty It is certainly not proper to say that the non-prized defaulting subscriber is a bad fellow ; he has no right to be heard; he should be thrown overboard. I vehemently condemn the principle contained in the provision in the Bill and support Mr. Asan's amendment.

MR. M. GOVINDAN (*Nominated*) : I also support Mr. Asan's amendment. The non-prized subscribers also are creditors to the chitty scheme although they might have made default. All the prized subscribers are debtors to the chitty scheme ; and it is for their benefit that we are now enacting this measure. As a compensation to the non-prized subscribers whose rights are to be postponed for the sake of the debtors, 6 per cent. interest is provided for. I submit, Sir, that no distinction should be made between defaulting and non-defaulting non-prized subscribers in this mattter. Both stand on the same footing as creditors to the chitty scheme. Mr. S. Krishna Pillai has, in his lurid speech, pointed out the inequity of making any such discrimination. I do not, therefore, feel the necessity for making any lengthy speech. I support Mr. Asan's amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : I have only one statement to make. The principle on which this Bill is based is that some time must be given to the foremen and to the subscribers. There is an enabling provision in the Bill to collect interest from the prized subscribers, and the provision is to distribute the whole of the amount collected by way of interest to the non-defaulting subscribers, as is clear from illustration (b). The illustration says ;

> "(b) If there are ten prized subscribers in the chitty each having to pay a subscription of Rs. 100, which by the addition of interest is enhanced to Rs. 103, the total amount representing the interest portion of the subscriptions is Rs. 30, this amount, whether actually collected or not, shall be distributed by the foreman amonst the non-prized subscribers; or if any non-prized subscriber so agrees may be credited towards the subscription due from him. If any non-prized subscriber becomes a defaulter as regards the payment of his subscription he will not be given any portion of the interest, and what has allotable in respect of his ticket will be taken by the foreman."

So, if a substitute has taken the place of the defaulting non-prized subscriber, he too will get a share of the interest collected from the prized subscribers. If there are 30 non-prized subscribers to a chitty, five of them have defaulted and five fresh men have taken their places then, according to the illustration, the interest collected would be divided into 35 shares of which 30 shares would be distributed to the 30 non-prized subscribers (25 original subscribers and 5 men who have taken the place of the defaulters) and the remaining 5 shares would be appropriated by the foreman. That is what the illustration says.

NOES 21.

1. Mr. K. P. Abraham	12 Mr. A. Kumara Pillai
2 ,, S. Chattanatha Karayalar	13 ,, C. N. Srirenganatha Sastri
3 ,, M. N. Narayana Menon	14 ,, R. Nilakanta Pillai
4 ,, K. Narayanaperumal Nadar	15. ,, Kayalam Paramesvaran Pillai
5 ,, K. P. Nilakanta Pillai	16. Rao Sahib Dr. N. Kunjan Pillai
6 ,, M. Mahomed Mustapha	17 Mr. S. C. H. Robinson
7 ,, Tariatu Kunjitomman	18 ,, R. Dhanukoti Pillai
8 ,, K. P. Madhavan Pillai	19 ,, E. G. McAlpine
9 ,, K. Madhavan Pillai	20 ,, J. S. Westerdale
10 ,, L. A. Lampard	21 ,, B. Narayana Pillai
11 ,, K. George	

NEUTRALS 5

1. ,, A. Thanu Pillai	
2 ,, P. S. Mahomed	4 ,, N. A. Sundaram Pillai
3 Rao Bahadur A. Venkatarama Aiyar	5. ,, R. S. Subrahmanya Pillai

The amendment was declared lost, 14 voting *for* the amendment, 21 *against* and 5 remaining *netural.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I move the following amendment—

In the proposed Section 52, add at the end, the following sub-section, namely :—

" 4 (*a*) The foreman may convene the meeting referred to in sub-section (1) on his own initiative, and

(*b*) the foreman shall convene such a meeting on the requisition of not less than twenty-five per cent. of the number of subscribers, and if the foreman refuses or omits to call the meeting to take place within twenty-one days of the receipt of such requisition, more than fifty per cent. of the number of subscribers may convene the meeting; and the foreman so refusing or omitting, to call the meeting shall, on conviction, be liable to a fine which may extend up to one hundred rupees.

(*c*) In every case of a meeting being convened, not less than fourteen days' notice shall be given to the subscribers specifying the date, hour and place of meeting

This amendment is intended to provide the machinery for calling a meeting. If the foreman calls a meeting, it is alright. If he refuses to call a meeting, 25 per cent. of the number of subscribers can demand to convene a meeting. If he does not respond to that, then this provision will apply. The House may ask an explanation as to why I have provided that more than 50 per cent. of the subscribers can convene a meeting. If any number less than 50per cent. can convene, then a meeting may be convened in two different places and conflicts will then arise; the first 25 per cent may call a meeting say at the Jubilee Town Hall and the other 25 per cent. at the College ground. To avoid such conflicts, I have provided that more than 50 per cent. of the number of subscribers may convene the meeting.

[Mr. Kayalam Parameswaran Pillai.]

If, in a chitty of 20 tickets, 5 of the ticket holders make default, there will still be 20 tickets though there will only be 15 persons actually paying subscriptions ; andfor the 5 defaulted tickets, the foreman undertakes the responsibility to pay, and naturally he gets the due share of the interest distributed.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What happens if at the termination of the chitty that is postponed ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The date of payment of the money due to the defaulting non-prized subscribers will also be postponed. That is inherent in postponement.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then, is it not fair that we recompense the defaulter for his loss? Are we not bound to see that the provision now sought to be made in the enactment does not work hardship to anybody ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) The question has been discussed at length, Sir, and I leave it to the House.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Law Member is agreeable to my proposal ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. THANU PILLAI (*Trivandrum*): Even without hearing me?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We want to get through the business, as expeditiously as possible, Sir.

PRESIDENT: The amendment moved by Mr. Asan is to omit the following portion at the end of clause 52 (3).

"Provided that no defaulting subscriber shall be entitled to receive any amount in the distribution."

The amendment was put to vote and lost.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*), I demand a poll.

A poll was taken and the House divided as follows:

AYES—14.

1	Mr.	Joseph Kunju	8	Mr.	K. I. Kocheeppan Mappillai
2	,,	K. Gopalakrishna Pillai	9	,,	E. V. Krishna Pillai
3	,,	K. C. Karunakaran	10	,,	K. Kunjukrishna Pillai
4	,,	K. Krishnan Nayar	11	,,	M. Govindan
5	,,	S. Krishna Pillai	12	,,	K. P. Kochukora Tarakan
6	,,	N. John Joseph	13	,,	N. K. Krishna Pillai
7	,,	A. S. Damodaran Asan	14	,,	M. P. Madhavan Pillai

MR. A. THANU PILLAI (*Trivandrum*): May I know whether, if his amendment is passed, his object would be achieved, because the main portion of the sentence reads thus:

"The amount such interest shall, on the date to which the instalment was postponed, be distributed by the foreman amongst the non prized subscribers rateably according to the value of the ticket held by each............"

So, where is the room for the non-prized subscriber to come in, in the nature of the wording of the sentence even if the rest of it is deleted as is now proposed by Mr. Asan?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*). The defaulter also is the holder of a ticket; but on account of his default, he would not be entitled to bid for the prize.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether in a chitty were there are 20 subscribers when five make default, five fresh men may take their place or the foreman himself may take their place. Either way, there will always be 20 ticket holders in theory. But at the time of actual distribution of the interest there will only be 15 persons. There is the place for the defaulter. In the nature of the wording of the main sentence, now sought to be amended by Mr. Asan, I do not see how Mr. Asan's object would be served by his amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Now, there is a proviso which disentitles the defaulting subscribers from getting a share of the interest. With that proviso and illustration (b) it is clear that the interest is to be distributed among all non-prized subscribers. I would like to draw the pointed attention of my friend Mr. Thanu Pillai to the last line in illustration (b).

MR. A. THANU PILLAI (*Trivandrum*): As I understand it, the last line of the illustration means that the foreman should be considered to be subscriber so far as the defaulted tickets are concerned.

MR. S. KRISHNA PILLAI (*Karunagapalli*) So, for non-payment during the period of postponement, the foreman is to get a share of the interest?

MR. A. THANU PILLAI (*Trivandrum*): May I know from Mr. Asan whether his object would not be achieved by a further proviso that the defaulting non-prized subscriber should be compensated for his loss consequent on the postponement, by the persons who have been responsible for the postponement?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have no objection to accept such an amendment if one of my friends would move it.

MR. A. THANU PILLAI (*Trivandrum*): Sir, it is in the light of all these difficulties that I suggested that the Bill must go before a Select Committee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall not take much time. I need only point out that anybody who takes the place of the defaulter becomes the subscriber so far as the defaulted ticket is concerned, and, therefore, he gets a share in the interest when it is distributed. Naturally, when the foreman himself takes the place of the defaulter, he gets the due share of the interest.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What is the number fixed in the Companies Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it not less than that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say it at present.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does it give any difficulty there?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have a registered office.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there not a provision in the chitty *variola* that the chitty should be conducted in particular places and the facts notified to the subscribers and communicated to the Registrar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is very often conducted in the foreman's house.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*). I second it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I oppose the amendment. Section 52 (4) says that the offence against infringment of not calling a meeting is serious. It also puts an insurmountable obstacle in the way of subscribers calling for a meeting. It says.—

> "the foreman shall convene such a meeting on the requisition of not less than 25 per cent. of the number of subscribers and if the foreman refuses or omits to call the meeting to take place within twenty-one days of the receipt of such requisition, more than fifty per cent. of the number of subscribers may convene the meeting; and the foreman so refusing or omitting, to call the meeting shall, on conviction, be liable to a fine which may extend up to one hundred rupees."

Under Section 52 (1) we said that any number of persons may meet and that, if a majority of two-thirds of those that are present agree, a chitty may be adjourned. That must be the meeting probably convened at the instance of the foreman. As I pointed out yesterday, if only 3 persons assemble in the foreman's house, 2 of them can pass a resolution saying that the chitty is postponed. Here we find that the foreman does not call together a meeting; 25 per cent. of the number of subscribers—note again the expression 25 per cent., shall give notice to the foreman to call a meeting. When is this meeting to be? Suppose on a chitty day or say before the date of the chitty the foreman gives notice to some of his subscribers that he convened a meeting and that no subscriber turned up except three and passed by a majority of two-thirds that the chitty is to be postponed to some date within one year from the date of the passing of the Amendment Regulation. Immediately after that another 25 per cent of the subscribers join together and give the foreman a notice saying that he shall call together a meeting. Say, this happens a week or a month after the passing of some resolutions at the instance of the foreman and then the foreman would not call a meeting. Therefore, this 25 per cent. would not be in a position to call together a meeting. Then 50 per cent. of the

subscribers can convene a meeting. They say that the foreman shall not postpone but conduct the chitty. Will this resolution be binding on the foreman? Remember under the chitti *variola*, the chitty meeting is to be conducted in the foreman's house at a particular date and at a specified hour. A majority of not less than two-thirds present in the foreman's house adopts a resolution to the effect that the chitty shall be postponed. Now 50 per cent. of the number of subscribers who joined together and convened a meeting had communicated to the foreman, "No, no, you shall conduct the chitty tomorrow. The postponement suggested by you is quite irregular." Now there are these two resolutions. Let us consider their values. One man passes a resolution and sends it up to the Registrar. Another group of men passes a resolution cancelling the former one. Is the chitty foreman bound to accept these? Will they not lead to complications? What are the consequences of non-compliance of all these resolutions on the foreman? Is a chitty subscriber who does not pay the amount, to become a defaulter? Is he to forfeit all the rights and privileges he has to enjoy under the chitty?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Probably the member proceeds on the assumption that the foreman and the subscribers are rogues?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Certainly there are rogues amongst those who conduct chitties. You cannot say that all chittalars are first-rate men. You need not look into that. If at all we legislate, we must do that on sound principles.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Am I to take it that 25 per cent. of the rogues are in the contract?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I only wish that the member may have direct dealings with them. I am only discussing the principle involved in the clause, and by doing so I am trying to point out the absurdity this amendment would lead to. There are two valid resolutions according to law, one for the conduct and the other for postponement. What is the natural result of these resolutions, directly contrary and conflicting in their recommendations? Which is the resolution that has to be accepted? Is it the one adopted by the general body or the one adopted by not less than two-thirds? Which is the resolution which is binding on the chitty foreman and which is the resolution that the Registrar has to accept. If we accept the second resolution and if a chitty foreman does not conduct according to Section 33, a chitty is deemed to have terminated, and he becomes entitled to realise his money from that date. We should not permit the chitty Regulation to become more confused. We should not interpolate a piece of legislative enactment which throws subsisting chitties into confusion. I have nothing to do with a rogue foreman or subscriber. I am only speaking for a legislation in regard to honest people. Whenever half a dozen people join and say that a particular thing shall be done in a particular manner, it is not at all proper for half a dozen other men to say that it shall not be done. Any member

[Mr. S. Krishna Pillai.]

present in this House might have had experience in this matter. Say, there is a resolution suggesting that such and such mode shall be adopted on a particular matter on a particular day and the next day there is a contrary resolution at a meeting held in a different place. We *do* know how interest gets clashed with interest and how persons fall out with one another. If we introduce an amending Regulation, we should so introduce it as not to cause unnecessary complications. With these observations, I oppose the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): All difficulties and attempts of roguery will be decided upon by a court of law.

PRESIDENT: The amendment before the House is—

In the proposed Section 52, add at the end, the following sub-section:

"(4) (*a*) the foreman may convene the meeting referred to in sub-section (1) on his initiative; and

(*b*) the foreman shall convene such a meeting on the requisition of not less than twenty-five per cent. of the number of subscribers, and if the foreman refuses or omits to call the meeting to take place within twenty-one days of the receipt of such requisition, more than fifty per cent. of the number of subscribers may convene the meeting; and the foreman so refusing or omitting, to call the meeting shall, on conviction, be liable to a fine which may extend up to one hundred rupees;

(*c*) In every case of a meeting being convened, not less than fourteen days' notice shall be given to the subscribers specifying the date, hour and place of meeting.

The motion was put to the vote of the House and carried.

The amendment was passed.

PRESIDENT: Then I put that Section 52 as amended do stand part of the Bill.

MR. S. KRISHNA PILLAI (*Karunagapalli*): My opposition may be recorded, Sir.

PRESIDENT: The motion was put to the vote of the House and carried.

Section 52 was added to the Bill.

The following amendment was not made—

Mr. S. KRISHNA PILLAI: In Section 52 (3) delete "by a resolutin passed under sub-section (1)."

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I move the following amendment:—

Substitute the following for Section 53:

"Any person who hereafter starts and conductes, any transaction of the nature of those declared void by Section 4 and any person, who collects or solicits any money for any such transaction shall be punishable with imprisonment of either description for a term which will extend to 6 months or with fine or with both."

Sir, my object in moving this amendment is only this. Section 53, as it now stands, penalises any person who conducts a transaction declared void by Section 4. Any person who is responsible for the conduct of any such transaction, and any person who pays any money towards any such transation or collects or solicits any money for any such transaction—shall be liable to be punished with imprisonment of either description which may extend to six months or with fine or with both. This Section pointedly infringes some of the important principles of law.

This says that any person who conducts a transaction declared void by Section 4, shall be liable to punishment.

From the statement of objects and reasons, it is found that this is aimed at kurichitties. Now, what is the nature of the kurichitty which is now being conducted? It may be a transaction that has to last in accordance with the terms of the agreement for 10 years or 20 years. The money that has been collected will be in the hands of those who conduct the chitty. The first drawing of the chitty might also have been conducted. So much so that all that the forman could collect has been collected and a portion has been distributed among some of the subscribers. The forman has undertaken that thereafter twice every year, on a particular date, he shall draw lots and he shall distribute the remaining portion of the money in his hands in a particular manner. That is the undertaking that he has entered into with the other subscribers. In the face of that undertaking, the subscribers have advanced money. Therefore, in regard to those chitties, all that has to be done is one-sided, *i. e.*, the foreman has to distribute the money that he has collected or pay back the money in accordance with the terms of the agreement. No money has to be collected hereafter. None other has to pay anything. If this Section 53 were to stand as part of the Statute, it will mean that those persons who conduct such chitties shall be liable to a term of imprisonment not exceeding 6 months. If that is so, who is the person that is penalised? Is it not the man who collected all the money, the man who paid a portion of it and the man who wants to pay back the remaining portion of it which under the terms of the agreement he should pay back in easy instalments? Now we are saying that if the chitty forman conducts the kurichitty hereafter, he shall be liable to imprisonment for a term not ecxeeding 6 months. If a second drawing of a kurichitty or a third drawing or a twentieth drawing is made after the date on which the Regulation comes into force, then the foreman will be in danger. He shall have to undergo six months' imprisonment or he shall have to pay a fine. Is it consistent with principle and policy to say that such a man shall be punished? Does it not mean that it lends a premium to fraud? Does this not make a man who agreed or who thinks that he is under a moral obligation to conform to an agreement unable to act in accordance with the terms of the agreements. This Section directly hits him.

Let us take the second portion who is responsible for the conduct of a kurichitty. Who is such a person? If a person were to get his advertisements or prospectuses printed in any printing press, that press

[Mr. S Krishna Pillai.]

is responsible for dissemination of the literature which enables or helps the conduct of the kurichitty. The printing press-owner is liable. If he puts a prospectus into the Anchal Office, and if the Anchal peon carries it, then he is responsible for it, and he will be liable. The Company that manufactured the paper on which this is printed is equally responsible for the kurichitty. If we are to allow this expression to be retained in this Bill, we will find that it will lead to a lot of complications. No man will be safe. It will be possible to say that anybody is responsible for the conduct of a kurichitty. If a man is not on good terms with a Magistrate, he will send you to jail for having conducted a kurichitty.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If the chitty collapses will all these people be responsible ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not contend that it would go so far. But you should not allow an undefinable expression in a Statute. Here it is stated responsible for the conduct of a chitty; Who is that person? Is it the person who draws the lot? A boy, 5 or 10 years old, may draw the lot. Is he responsible for it? Or is it the person in whose premises the chitty is conducted? Who are the persons who are responsible for the conduct of the chitty? If that expression were to stand part of this enactment, I am sure no man will be safe. Every man can be brought under this. If he is not in the good books of a Police Officer, if he happens to incur the displeasure of a Magistrate, he will be punished.

Then, we come to the next portion—any person who pays any money towards any such transaction. That is the third class of persons who are sought to be imprisoned. (*Interruption*). On allegation, a person might be arrested and troubled in various ways. The member himself may be aware of those instances. I do not want to dilate upon that.

Here is a curious instance in which the legislature wants to penalise a person for the payment of some money. If he were to pay 2 annas, then he shall undergo an imprisonment up to six months. The punishment is out of all proportion to the offence committed by him. Is there any Statute anywhere in existence all the world over which contains a provision that a person who purchases a prize ticket shall be liable for conviction. Does not the Statute give full and complete liberty to persons for entering into transactions which are neither immoral nor opposed to public policy? Here is a lottery or a transaction that has been declared void under some Statute. If a person were to pay any money, the legislature says, "you have violated or helped in the carriying on of a transaction that has been declared void. So you shall be punished with a sentence up to six months."

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Suppose people from here send money to concerns outside Travancore by postal money order. Will they be liable for punishment ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Yes, any man who makes use of either the Anchal or Postal offices for this purpose will be held liable.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I beg to draw the attention of the member to the fact that it is only such transactions as are declared void under Section 4, that is those who pay money towards such transactions, that are sought to be penalised.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : This matter came up for discussion and the Law member brought forward the amendment which, if accepted, will enable us to see all this mischief now referred to by my friend. Therefore, if by way of any pastime or amusement one is willing to part with half or one rupee for the purpose of a ticket he is held liable for punishment. It is that amount which he is willing to use for other amusements.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Is it because there is no other way of spending the money that he purchases the tickets?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : There are a hundred and one other ways of spending the money. But why should the legislature come up and say that he shall not use it for such and such purposes. Is there any other country, even the most civilised, with such a piece of legislation ? People are taking part in Derby Sweeps, Irish Sweeps, hospital funds and a hundred and one such undertakings conducted outside. We find from our reports that chitties declared void by the Chitties Regulation were in existence in Travancore. There will be half a dozen reports published in the T. L. R. constituting the law relating to such transactions. It will also be found that there are about half a dozen instances in which transactions have been declared void under the contract Act.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Is the member hopeful that, with the passing of this into law with the amendment proposed by the Law Member to which the member has referred in answer to my last question, all the money now flowing out of Travancore for these purposes can be stopped ? I am really in a difficulty.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I am also in an equally difficult position. I do not think any person will risk himself to go into jail for any other party. Therefore if you simply pass this into law, I am sure, people will not have the courage to go in for any transaction declared void by Section 4 of the Chitties Regulation. So, Sir, any provision that any person who passes any money towards such transactions shall be punished is one of the most injurious, uncivilised and harmful ideas contained in this Bill. That shall never be allowed to stand part of this Section.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) ; Suppose somebody who represents a concern declared void making it appear that he is working for some benefit or charitable fund comes and gets half a rupee from an innocent individual here. Would he also be liable ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Every transaction declared void under Section 4—let it be for a hospital or for any other meritorious purpose shall be declared void. I say that this law is going to be passed not in favour of us but against us. Is there a legislation like this in any country. Travancore with all its advantages, and natural resources, its wealth, its Legislative Council, with all the learned Sirkar servants and all the army of non-official members predominent in it, should not have a legislation enacting that any person who pays half a rupee for a prize shall be convicted and sent into one of the jails of the Travancore State ?

Sir, we come to the fourth class of people who collect or solicit money. The provision says that such men shall be punishable with imprisonment. I do not wish to dilate upon the point further. What I want to impress upon the House is the absurdity which will result in the other 3 classes of persons being sought to be punished. Now, if the kurichitty or the transaction declared to be void under Section 4 of the Chitties Regulation is increasing, and if in public interests it is found necessary to stop it, it would be better to provide that hereafter no man shall start such chitties. Let us give notice to the people who intend to start such chitties. Let us punish people who start such chitties hereafter. Why should we punish the poor innocent man who pays 4 as. or 8 as. ? It is not possible that with my half-a rupee anybody can conduct the chitty. The foreman goes about with a box containing poison and tempts people to consume the poison. It is the foreman, therefore, who commits the crime. So, I can understand a provision for the punishment of *foremen* who start chitties hereafter.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Even if nobody actually starts a chitty of this kind, is it not to open to the canvassers to go about and collect subscriptions for imaginary kurichitties which do not exist ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, I am not concerned with all sorts of imaginary dangers. I only want to point out that when the law did not, till this moment, penalise a particular act, it is not proper now to say that, if, as a logical consequence of chitties already started, he pays prize moneys, he shall be punished with imprisonment. The law should not provide like that. That is a very bad precedent. I would not quarrel with the provision if it merely reiterates unambiguously that such transactions are void. All on a sudden you should not declare as an offence an act which till to-day was not an offence. That is wrong on principle, wrong on policy. Sir, under the Indian Contract Act a contract entered into with a minor has been declared void. No legislature in any part of the world has thought it proper to *penalise* such transactions. After the minor attains majority it is open to him in law even to perform the contract if he chooses to do so.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : On a point of order, Sir, the member seems to be going behind the principle of the Bill which has been accepted by the House.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, I am taking the provision, word by word, criticising it and pointing out the absurdity of it. I believe I have fully convinced the House that this Section, as it stands, ought not to be passed by the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If the member is condemning the provision of Section 53, why does he not move its abolition altogether?

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is exactly what I have stated in my amendment.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): But the same principle is contained in the amendment now under discussion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am showing why the Section should not stand as it is and why my amendment should be accepted. My amendment is on the lines I have now indicated. It is this principle that I have sought to get embodied in the amended Section, which provides that any person who hereafter starts and conducts any transaction of the nature of transactions declared void under Section 4 and any person who collects or solicits any money may be punished. The sense of the House is that kurichitties shall be prohibited in Travancore; and we have accepted that principle. Let us prohibit it with a vengeance by penalising it. Only, let us not penalise transactions already entered into.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, it is three hours since we have been discussing this point. I would suggest that we may rise now.

PRESIDENT: How long will you take to finish your speech, Mr. Krishna Pillai?

MR. S. KRISHNA PILLAI (*Karunagapalli*): About 10 or 15 minutes.

PRESIDENT: Do you not think that you have discussed the point enough?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, it is a very important piece of legislation, and as such we must be given full opportunity of discussion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): We may also take some time for discussion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may say that I would accept the amendment if it would state "No person who hereafter starts or conducts........."

MR. S. KRISHNA PILLAI (*Karunagapalli*): If my friend would clearly provide that the word "*Conducting*" shall refer only to persons who start it hereafter, I am prepared to accept it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, no. There are already some 500 persons who have started these kurichitties; the very object of the Bill would be defeated if we provide, as Mr. Krishna Pillai suggests.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : My position is this. I have collected Rs. 1,00,000 ; but I have paid only Rs. 50,000 till now. I am bound to pay back the balance also. I must be permitted to do it as I have promised. If the Law Member is agreeable to the deletion of the word 'conducts' in Section 53, *viz.*, Any person who *conducts* or is responsible for the conduct of ...., " I am satisfied.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What about those who have already started?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Suppose I have collected one lakh of rupees and already paid Rs. 50,000/- there is a balance of Rs. 50,000/- unpaid.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have drafted an amendment here for that.

"Notwithstanding anything contained in Section 4 or Section 53, the parties to any transaction declared void under Section 4 may make or claim any equitable adjustment based on, or arising out of, the conduct of any such transaction till the 8th day of Chingam 1108 :—

Provided that nothing" in this Section shall be deemed to permit or to have permitted the conduct of any such transaction after the said 8th day of Chingam 1108"

Anybody move it.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That is not sufficient. It says only "..................may make or claim any equitable adjustment......... ...."That again will lead to further complications.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*) : I think my friend would have no objection in adding there— "up to the date of the commencement" instead of 8th day of Chingom 1108 " By that, future transactions will be penalised. If some such idea is imported in the Bill, my friend and other friends will be satisfied.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : My amendment also says that.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*) : In regard to the observation that many people have already taken and paid and that they will not be able to recover the money or it may be that the foreman may collect the money and keep it with him and may not disburse the money, for avoiding that why not add the expressions "In the collection of moneys hereafter... .... party will be punished......... ...."?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That no body wants. What I submit is that no man should collect any money. Every man who has collected it shall be allowed to disburse it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I shall once again read the proposed amendment. This is the amendment.

Add the following as Section 54

"54. Notwithstanding anything contained in Section 4 or Section 53, the parties to any transaction declared void under Section 4 may make or claim any equitable adjustment based on, or arising out of, the conduct of any such transaction till the 8th day of Chingom 1108.

Provided that nothing in this Section shall be deemed to permit or have permitted the conduct of any such transaction after the said 8th day of Chingom 1108."

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Even in respect of the return of the amounts, it will be according to the terms of the contract that has been entered into, that is, according to the contract, the heavier amount will be promised to be returned by him in several months to persons whose lots were taken. Is it in that fashion the amount has to be returned or is the amount to be recovered with interest? Is there any harm, I ask the member, for agreeing to the return of the amount that has been collected with interest *i. e.* such other additional amount as might be considered reasonable to compensate for the interest; or, if, on the other hand, he is allowed to draw lots, to return the amount according to the original contract. The point at issue is whether the money so far collected should be allowed to remain in the foreman's hands. The Law Member is bringing forward an amendment and if my friend is agreeable to that, there will be no objection in pushing through the Bill. That is what I think.

MR. S. KRISHNA PILLAI (*Karunagapalli*): This leads me astray from the point I was discussing. My difficulty is only with regard to the penalty that is sought to be imposed.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I think Mr. Krishna Pillai's amendment makes provision for prohibiting further collection.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not want a pie to be collected hereafter. I want no foreman who has collected money to be permitted by a piece of legislation to retain the amount on the pretext that he would be penalised for what he otherwise would be compelled to pay back. My object in bringing forward this amendment is to see that no man is penalised for undertaking to return.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir. I wish to offer a few remarks at this stage. The House has to adjourn very shortly. In the Chitties Bill, this is a clause in which many members are interested. So, the House may adjourn now and meet again at 5 o'clock and sit till 6 or if that is not suitable, assemble at 11-30 A. M. to-morrow and continue the discussion till five. Any way Government are prepared to try their best to get through the Bill.

MR. S. KRISHNA PILLAI (*Karunagapalli*) In case we ar n able to finish this Bill to-day?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The second reading will be continued tomorrow.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What about the third reading?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That will be on a day after the second reading.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That means, extension up to Thursday and thus go on *ad infinitum*. In that case, I may be permitted to say all that I have to speak about this now and the House may adjourn after that.

We have come here on the distinct understanding that we will not be called upon to remain after 5-5-1108. Now the Council has been extended by one day and again we are going to extend it by another day. In case there is any further necessity, the Council will be extended by a day more. All the courts in Travancore close on the 8th. We have been away from the courts during the last fortnight. For Christmas there will be about another 12 or 15 days' holidays. Altogether it comes to one month. We are kept out of business for one month. I also understand that several of my friends are unable to stay on here and be kept out of their work. Further if we were given notice that it is likely to continue for so long a period we would have come prepared. That is a very inconvenient position, Sir, so far as I am concerned. I am not at all for protracting the discussion on this Bill and preventing this piece of legislation to become law. I may be heard for five minutes more. Let the House pass the Bill or throw it out. The Law members' suggestion to begin discussion after 5 o' clock to-day seems to me to imply that this is an emergent piece of legislation which, if not passed, would ruin the State. That position I cannot understand. It appears to him as if the whole Travancore Government will fall down if this legislation is not summarily passed.

PRESIDENT : Since a considerable body of opinion here is in favour of discussing this matter, Government are only desirous of adopting that course. I am prepared to abide by the decision of the House. If members are going to discuss it after Mr. S. Krishna Pillai has finished his speech, then, I shall adjourn at once. If there is no further discussion after Mr. S. Krishna Pillai's speech, then we can see what happens to the amendment. As I understand, there is Mr. E. V. Krishna Pillai who wants to speak. It is better that we adjourn now.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*) : In case we meet at 5 to-day and proceed with the discussion, I do not think it will be finshed by to-day.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkkar Vakil*) : I think it is better that we meet tomorrow. All members are desirous of participating in the discussion and thus have their full say. There are two definite Sections in the non-official side of the House one against and the other in favour of this legislation.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : If it is possible to accept this amendment of mine, Sir, the Law Member may be asked to accept it.

PRESIDENT : He has told you how he will accept it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If he accepts it, then there will be no necessity for any discusssion or any debate. The amendment that he has proposed does not appear to be quite satisfactory because the person who pays is sought to be penalised.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to take *that* away provided all the rest of my clauses are accepted.

MR. S. KRISHNA PILLAI (*Karunagapalli*): That cannot be done.

PRESIDENT: The House will adjourn till tomorrow. I should like to say I am sorry that I cannot be here in order to say goodby to you.

The House adjourned at 2-42 P. M. to meet at 11-30 A. M. the next lay.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(*OFFICIAL REPORT.*)

Wednesday, the 21st December 1932/7th Dhanu 1108.

The Council met in the Victoria Jubilee Town Hall at Eleven-thirty of the clock, the Deputy President presiding.

QUESTIONS AND ANSWERS.

Conversion into a cart-road of the poramboke pathway running southward from the Kottar-Rajakkamangalam road.

109. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether they are aware that from the 7th furlong of the 3rd mile of the Kottar-Rajakkamangalam road a poramboke pathway runs southward ;

(*b*) if so, its length ;

(*c*) whether there had been petitions to convert it into a cart-road ;

(*d*) whether some part of the pathway is encroached upon by private persons ; and

(*e*) the approximate cost of converting the pathway into a cart-road ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): (*a*) Yes.

(*b*) The length is not known.

(*c*) No.

(*d*) Government are not aware.

(*e*) This can be ascertained only after investigation.

Entry of Pulayas and others into the Fort at Trivandrum.

110. **MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state:

(*a*) whether there is any rule or convention prohibiting the entry of Pulayas and other so called low caste people into the Fort at Trivandrum ; and

(*b*) whether they are aware that the sentries on duty at the Fort gates refuse entry of Pulaya women vending cattle fodder into the Fort?

Vol. XXII. No. 11.
G. P. T. 1922. 300, 17-12-108. B

MR. K. GEORGE (*Chief Secretary to Government*) : (*a*) and (*b*) The answers are in the negative.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : With reference to the answer to part (*b*), have not the Government received any complaints on the ground that these Pulayas were not refused admission ?

MR. K. GEORGE (*Chief Secretary to Government*) : No.

Action taken on the recommendations of the Law's Delays Commissioner.

111. **MR. K. GOPALAKRISHNA PILLAI** (*Parur*) : Will the Government be pleased to state :

(*a*) the steps taken by them to carry out the recommendations of the Law's Delays Commissioner ;

(*b*) whether the report was again submitted for the consideration of the High Court ;

(*c*) their recommendations ; and

(*d*) whether the appointment of a shorthand-typist for each of the Munsiffs is one of them ?

MR. K. GEORGE (*Chief Secretary to Government*) : (*a*) and (*b*) The recommendations of the Law's Delays Commissioner were referred to the High Court for remarks. The High Court made a few specific recommendations out of which the following have been sanctioned by the Government --

(i) Confirmation of the Temporary Bench of the High Court with effect from the 1st Chingom 1108.

(ii) The establishment of new Village Panchayat Courts at Eraniel, Chirayinkil and Shertallai.

(iii) Revision of the territorial jurisdiction of the existing Village Panchayat Courts at Nagercoil, Padmanabhapuram, Kuzhithurai, Attingal, Shencotta, Kayancolam, Mavelikara, Haripad, Thiruvalla, Changanacherry, Vaikom and Alwaye.

(*c*) The recommendations of the High Court are contained in their letters Nos. 1280/C. S., dated the 18th June 1932 and 2964/C. S., dated the 17th November 1932, which are available for perusal in the office of the Secretary to the Legislative Council.

(*d*) No. But, the appointment of a typist-clerk has been recommended.

Introduction of vocational training in schools.

112. **MR. N. K. KRISHNA PILLAI** (*Neyyattinkara*) : Will the Government be pleased to state :

(*a*) whether they are aware that the Director of Public Instruction in his previous Council speech stated that a scheme for the introduction of vocational training in schools was under consideration ; and

(*b*) whether the new syllabus has made it a part of the course, and if so what the authorities have done in the matter so far?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) The answer is in the affirmative.

(*b*) Vocational optionals have been recommended as part of the new syllabus by the Syllabus Revision Committee, but in view of the complicated nature of the problem, Government have left it to be threshed out by the Educational Reforms Committee.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) May I know whether the personnel of the Educational Reforms Committee has been decided upon?

MR. K. GEORGE (*Chief Secretary to Government*): That has nothing to do with the subject of the interpellation.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): The answer is "..................in view of the complicated nature of the problem Government have left it to be threshed out by the Educational Reforms Committee."

Therefore, the Committee has been brought into prominence in the answer.

MR. K. GEORGE (*Chief Secretary to Government*): Only the Committee, and not the personnel of the Committee. Personnel is a different matter. The Committee will be constituted shortly.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): So, it is not yet known who the members of the Committee will be?

MR. K. GEORGE (*Chief Secretary to Government*): No.

Report of the Inspector of English schools on vocational training.

113. **MR. M. N. NARAYANA MENON** (*Kottayam*): Will the Government be pleased to state:

(*a*) whether the report of the Inspector of English Schools on vocational training is published and

(*b*) if not, why it is not published?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) No.

(b) Because, the scheme submitted by the Inspector of English Schools on vocational training was only a tentative one. Government have decided that the whole question may be referred to the Educational Reforms Committee.

MR. M. N. NARAYANA MENON (*Kottayam*): ആ കമ്മിററി ജോലി എന്നു് തുടങ്ങുമെന്നു ഖണ്ഡിതമായി പറയാമോ?

MR. K. GEORGE (*Chief Secretary to Government*): കമ്മിററിയുടെ പ്രസിഡന്റു വന്നിട്ടുണ്ടു്. ഉടനെതന്നെ ജോലി തുടങ്ങും.

THE CHITTIES REGULATION AMENDMENT BILL.
SECOND READING OF—(*contd.*)

DEPUTY PRESIDENT: Does anybody second Mr. S. Krishna Pillai's amendment?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): There is a compromise amendment which has been arrived at after an informal discussion. I want to know whether that would be acceptable to the Law Member. Otherwise, I want to second Mr. S. Krishna Pillai's amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. S. Krishna Pillai's amendment has to be disposed of before the other is placed before the House.

DEPUTY PRESIDENT: Mr. Kunjukrishna Pillai, it is better that you formally second Mr. Krishna Pillai's amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I second the amendment moved by Mr. Krishna Pillai.

I have only one main point to be brought to the notice of this House. This House has accepted the provision that kuri-chitties shall not be conducted hereafter. My submission is that people who have already collected moneys must be given an opportunity to disburse the amounts as per the original contract. Facilities should be given to them to do that, because nobody is going to gain anything by putting a restriction on past transactions. Money has already been collected. Future collections may be penalised. I have absolutely no objection with regard to that. I accept that point of view. But collections already made must, in fairness, be allowed to be disbursed according to the terms of the original contract.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): But the provision in the Bill penalises the future *conducting* of such chitties. How can prizes be distributed unless lots are drawn? That would mean that chitties are *conducted*.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I have nothing more to add.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment moved yesterday. As the amendment stands, it permits the conducting of all transactions already started. It would be open to the foremen of such transactions to invite and collect subscriptions for any length of time. I am very much against that. Past transactions may be excused provided they do not involve future collection of subscriptions; the collections must stop from this day. The foremen have no doubt already collected huge amounts. It is argued that it would be immoral to allow the foremen to appropriate all these collections and that therefore they must be allowed to distribute the amounts as per the terms of the original contract. After all each subscriber would have paid only, say, 4 as. or 8 as. and nobody may care to claim it back: and even if the foremen want to pay the collection back it would not be easy for him to find out all the subscribers and repay the subscriptions. I have no objection to accept an amendment to the effect that all future collections alone would be punishable. But I am against the amendment now before the House.

DEPUTY PRESIDENT: The mover of the amendment is not present today; and I suppose Mr. Kunjukrishna Pillai does not press it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do press it, Sir.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): I beg to move that in Section 23, the following be added as an Exception:

> "*Exception.* In the case of any such transaction started before the seventh day of Dhanu 1108, the conduct and the responsibility for the conduct of it shall not be punishable wherever such conduct does not involve the collection or receipt of any subscription or contribution from and after the said date."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is another amendment which also may be moved along with this amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): And, after Section 53, add the following Sections:

> "54. Notwithstanding anything in Section 4, the contract in any such transaction as the conduct of which falls within the exception to Section 53, may be enforced without, or and if it cannot be enforced except on the basis of the collection or receipt of subscriptions or contributions from and after the 7th day of Dhanu 1108, the parties to the contract may make or claim any equitable adjustment not involving such collection or receipt."

> "55. No prosecution for an offence under Section 53 shall be started without the sanction of Our Government or of such Officer as may be appointed by Our Government in that behalf."

The Section we find in the Bill penalises all transactions declared to be void under Section 4. The result of that will be that the foremen will be in a position of undue advantage; as against the subscribers; because they are not in law bound to pay back amounts already collected from the latter. The provision also makes the repayment of the amounts punishable. Such a state of affairs is not just and fair, because it benefits only the foremen.

According to my present amendment, the subscribers are given a chance to get back their payments. Sir, there are two kinds of kuri-chitties, mainly. In some, the subscribers pay only once at the outset; in others, they subscribe only until they become prized. There is no further payment and the subscribers have only to take the prizes due to them. My amendment, provides that the foremen are allowed to continue to conduct these kurichitties whenever no further *collection* is involved.

DEPUTY PRESIDENT: Do such transactions come within the definition of chitties in the Regulation?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): They do not; they come within the definition of transactions declared void under Section 4 of the Chitties Regulation, as they partake of the nature of chitties but at the same time do not come within the strict definition of chitties. They are more or less allied to lotteries. The subscribers, once they make a payment have not got to make any further payment under certain kuri-chitties. Their liability ceased with their first payment. Therefore, these transactions are like lotteries. In the case of these transactions it is only fair that we make a provision enabling the foremen to fulfil their obligations under the terms of the original contract. And, the last date for the admission to such contracts has been fixed as 7th Dhanu 1108, by this amendment because it is the date on which we are having the second reading of the Bill this day.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does not the member think that it would be fairer still to fix the date on which this Bill becomes law?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): No, because sufficient publicity has already been given, and we want to put an end to these transactions as early as possible.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it not universally provided that all the provisions of an enactment should take effect from the date on which it becomes law?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I have only to state, in answer to that question that these transactions had been declared void long long ago under the Chitties Regulation now in force. There is no justification for further prolonging the period.

Under Section 54, proposed by me provision is made for legalising contracts already entered into. Although, under Section 4, such transactions are void, in view of the fact that these transactions are now sought also to be *penalised*, it is considered desirable to legalise transactions which have already come into existence some how or other. Parties who have entered into such contracts are given the option to enforce the contracts.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But the amendment seems to say that the foremen are allowed to fulfil their undertakings to the full extent.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose a foreman advertises a first prize of Rs. 50,000, but is not able to get the required number of subscribers. What would be his position under the amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): The latter part of Section 54 provides for that. The parties are given the right to make an enquitable adjustment among themselves. The subscribers may agree to forego a portion of their claim.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): My doubt has still not been cleared, Sir. The last date fixed by the amendment for the provision coming into force, is 7th Dhanu 1108, and till the evening of the 6th Dhanu 1108 the foreman, who but for such time-limit would have easily secured the required number of subscribers, is not able to get the necessary amount as subscriptions in spite of his strenuous efforts. In such a case is it not hard that the foreman should be disabled *by the legislature*, from keeping his promise, or that the subscribers should be disappointed in their expectations?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): Ordinarily, in these transactions, very fabulous amounts are advertised and only smaller amounts in proportion to the actual collections, are actually given away as prizes. And there will be provisions also to that effect in such advertisements.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Exactly that is because, since (as the law stands at present) the transactions are void, nobody can go to a court of law to enforce the full payment of the advertised prize, to pin the foreman to his original promise. But now the subscribers are sought to be given permission to pin the foremen to their original promise irrespective of the actual collections.

MR. M. GOVINDAN (*Nominated*): Is that a question, Sir?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Yes, Sir.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): In such a case the latter part of the proposed Section 54 will apply. That is my view. There the parties are given the option to make an equitable adjustment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not Mr. E. V. Krishna Pillai's question mean that the contract should be enforced as originally settled by permiting future collections also?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I explain, Sir.

DEPUTY PRESIDENT: You will get your turn to speak; but you may put questions if you like.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): How will the amendment, now proposed by my friend, affect the case of a foreman whose declared date of final collection is already over but who has not till now been able to collect the necessary amount and who, therefore, is not able to pay the full prize advertised?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Thodupuzha*): That would depend upon the terms of individual contracts. These new provisions, contained in the amendment, only legalise contracts already entered into. Section 55 provides only for a safeguard against people rushing all at once to Court. The provision says:

> "No prosecution for an offence under this Section shall be started without the sanction of Our Government or of such officer as may be appointed by Our Government.................

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I think it would be better if we consider the different clauses in the amendment one after another.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government will accept any of these provisions only if the other provisions are also accepted by the other side.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): My difficulty is with regard to the voting.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The House must vote upon all of them together.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I submit that we must be permitted to vote separately.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case, Government will vote *against* everyone of them.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇതുവരെ നടത്തീട്ടുള്ള ചിട്ടികളിൽ ചേൎന്നിട്ടുള്ള ചിററാളന്മാൎക്കു പണം തിരിച്ചു കിട്ടണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയാണോ ഈ അമൻറുമെൻറ് ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ളതു്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതേ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അതിനു മി: കൃഷ്ണപിള്ളയുടെ അമൻറ്മെൻറിനു വേണ്ട സൗകര്യങ്ങളെല്ലാമുണ്ടല്ലോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മി. കൃഷ്ണപിള്ളയുടെ ഭേദഗതിയിലും അതിനുള്ള ചില സൗകര്യങ്ങളെല്ലാമുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : പിന്നെ പ്രത്യേകം ഇങ്ങനെ ഒരു ഭേദഗതി കൊണ്ടുവരുന്നതിനു മെമ്പറിനെ പ്രേരിപ്പിച്ചതെന്താണെന്നു പറയുമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മി കൃഷ്ണപിള്ളയുടെ ഭേദഗതിയിൽ ഞാൻ വിചാരിക്കുന്ന പൂർണ്ണ സൗകര്യങ്ങളും ഉണ്ടെന്നു തോന്നുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not Mr. Krishna Pillai's amendment allow the collection of future *subcriptions* ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Yes.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): മി. കൃഷ്ണപിള്ളയുടെ ഭേദഗതിയിൽ പണം ഇനി ആവശ്യപ്പെടാൻ പാടില്ല എന്നു വിശദമായിട്ടു പറഞ്ഞിട്ടുണ്ട്.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : But it does not legalise transactions already declared void. രണ്ടാമത്തെ സെക്ഷൻെറ തത്വപ്രകാരം ആദ്യമുണ്ടായ കുറിച്ചിട്ടികൾ കുറെ കാലം നിയമപ്രകാരം ഊർജ്ജിതപ്പെടുന്നു വെന്നു കൂടി ഈ ഭേദഗതിയിലുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ൯൪-ലെ മൂന്നാം റെഗുലേഷൻപ്രകാരം ഇതു് അസാധുവാണെന്നു വരുകയില്ലയോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*). ഉണ്ട്, എന്നാൽ ആ സെക്ഷനിൽ എന്തുതന്നെ പറഞ്ഞിരുന്നാലും' എന്നാണു ഭേദഗതി. "Notwithstanding anything in section 4... ....

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): നിയമത്താൽ അസാധുവാണെന്നു പ്രത്യക്ഷമായി പറഞ്ഞിരിക്കുന്നതിന് ഇപ്പോഴും നിയമസാധുത്വം ഉണ്ടെന്നു പറയുന്നതു ശരിയാണോ എന്നാണെൻെറ ചോദ്യം

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതും കൂടി വരുത്തേണ്ടതാണെന്നു വിചാരിച്ചാണു ഞാനിതവതരിപ്പിച്ചതു. നാലാം വകുപ്പനുസരിച്ച് ഈ ചിട്ടികളെല്ലാം അസാധുവാണെന്നു പറഞ്ഞിട്ടുണ്ടെങ്കിൽ തന്നെയും ഇപ്പോൾ ഉണ്ടായിരിക്കുന്ന ചിട്ടികളിൽ ഉൾപ്പെട്ടിരിക്കുന്ന അനവധി ആളുകളുടെ ഗുണത്തെപ്പറ്റി ചിന്തിക്കണമെന്നു വിചാരിച്ചാണു ഞാൻ ഈ ഭേദഗതി അവതരിപ്പിച്ചതു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): നിയമത്താൽ അസാധുവായ സ്ഥാപനങ്ങളിൽ നിയമത്തിനു വിപരീതമായി വത്തിക്കുന്നആളുകളെപ്പറ്റി ഇപ്പോൾ പറയേണ്ടതില്ലല്ലോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അങ്ങനെയുള്ള ആ വകുപ്പ് ന്നെടുത്തുകളഞ്ഞാൽകൂടി കുറെ ആളുകൾക്കു വളരെ സഹായമായിരിക്കും. അതു ചെയ്താൽ ഒരുപക്ഷേ അവർ കോടതിയിലപേക്ഷിച്ചെങ്കിലും പണം മേടിച്ചുകൊള്ളും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇപ്പോഴിരിക്കുന്ന സ്ഥിതിക്കു തലയാളന്മാരെ വിശ്വസിച്ചു മാത്രം ചിററാളന്മാർ പണം കൊടുത്തിരിക്കുന്നുവെന്നല്ലാതെ കോടതികളിൽചോയി അതു മേടിച്ചുകൊള്ളാമെന്നു വിശ്വസിച്ചാണോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): സാധാരണ വിശ്വാസം മാത്രം കൊണ്ടാണു പണം കൊടുത്തതെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ഇവർ കോടതികളിൽ പോയാൽ പണം തീരെ കിട്ടുവാൻ നിവൃത്തിയില്ല എന്നു വിധിച്ചതായി അറിവില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) നിയമദൃഷ്ട്യാ അസാധുവാണീക്കുറിച്ചിട്ടികൾ എന്നു വിധിച്ചതായി മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മെമ്പർ വിചാരിച്ച തരത്തിൽ ഒരു വിധിയുണ്ടെന്ന് എനിക്കു തോന്നുന്നില്ല.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഉണ്ടെന്നു ഞാൻ പറയുന്നു.

MR. K. P ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതു കാണിച്ചു തന്നാൽ വിശ്വസിക്കാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): 18. T. L. R. ൽ ഉണ്ടു.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) T. L. J. യാണ് കാണേണ്ടതു് അല്ലാതെ T L. R. അല്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to section 55, may I know from the member whether it will apply to transactions which will come into existence hereafter?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): It will not. Section 55 must be read along with the explanation to section 53. When we refer to a section we mean the whole section, with all its provisions, exceptions and explanations.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is the amendment o Mr. Krishna Pillai before the member?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Does that amendment penalise the conducting of kurichitties hereafter?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No, it does not.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Mr. Krishna Pillai's amendment states "any person who *starts and conducts* hereafter". Now does the member's amendment, penalise the conducting of chitties hereafter, provided the collections have all been made in the past?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Then, what is the meaning of this amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Which amendment does the member refer to?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): The amendment that is now moved by the member himself.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The future conduct of the chitty, if it does not involve actual collections from the subscribers, is not penalised under my amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Why is it not open to the member to support the amendment of Mr. Krishna Pillai?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Because it does not also provide for legalising the contracts in favour of the subscribers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does not Mr. Krishna Pillai's amendment permit future collections in respect of transactions already started?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does Mr. Krishna Pillai's amendment specifically prohibit it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Krishna Pillai does not say "who hereafter starts *or* conducts". Is that the same thing as "who hereafter starts *and* conducts".

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Does the member's amendment prohibit future collections?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes. My objection to Mr. Krishna Pillai's amendment is that it does not benefit the subscribers who want to get back as of right the money which they have already subscribed.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): There was an amendment of the Law Member yesterday in regard to that.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): എൻെറ ചോദ്യത്തിനു ശരിയായ മറുപടി പറയാതെയാണ് ഇതെല്ലാം മെമ്പർ പറയുന്നത്. നിയമപ്രകാരം അസാധുവായ ഒരു കാര്യത്തെപ്പറ്റി അമൻറുമെൻറിൽ പറയേണ്ട ആവശ്യമെന്താണ്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അസാധുവാണെന്നുള്ള വിവരം അറിയാതെ ആളുകളോടു പണം വാങ്ങിച്ചിട്ടുള്ള മുന്നാളന്മാർക്കു കൂടുതൽ രക്ഷയുണ്ടാകാതിരിക്കാൻ വേണ്ടി മാത്രമാണ്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) മുന്നാളെ രക്ഷിക്കണമെന്നു മാത്രമേ ഉദ്ദേശമുള്ളോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അസാധുവാണോ ആണെങ്കിൽ ആക്ക് ഏതുനിലയിൽ അസാധുവാണ്, എന്നുള്ള നില മനസിലാക്കാതെ പണം കൊടുക്കയും വാങ്ങിക്കയും ചെയ്തിട്ടുള്ള ആളുകളുടെ രക്ഷക്കുവേണ്ടി.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അസാധുവാണെന്നുള്ള കാര്യം ആളുകൾക്കു മനസിലായിട്ടില്ലെന്നു മെമ്പർക്കറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): എൻെറ വിശ്വാസം അങ്ങനെയാണ്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇപ്രകാരമുള്ള കുറിച്ചിട്ടികൾ മേലാൽ നടത്താൻ പാടില്ല എന്നുള്ളതാണ് ഈ സഭ അംഗീകരിച്ച ഈ ബില്ലിൻെറ പ്രിൻസിപ്പിൾ എന്നു മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അറിയാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ആ പ്രിൻസിപ്പിളിനെ സാരമായി ബാധിക്കത്തക്കതാണ മെമ്പർ കൊണ്ടുവന്ന ഭേദഗതി എന്നു മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അറിയാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇതിന്റെ പ്രിൻസിപ്പിൾ സഭ അംഗീകരിച്ചതിനു ശേഷം ഇപ്രകാരമൊരു ഭേദഗതി കൊണ്ടുവരുന്നതു് ആ പ്രിൻസിപ്പിളിനെ ഹനിക്കത്തക്കവിധത്തിലാണെന്നു മെമ്പറിനറിയാമോ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : ഇവയെ തീരെ ഹനിക്കത്തക്ക വിധത്തിലല്ല ഈ പ്രിൻസിപ്പിൾ സഭ അംഗീകരിച്ചിട്ടുള്ളതെന്നു് ഇതിന്റെ പ്രിൻസിപ്പിളിനെപ്പററി വാദപ്രതിവാദം നടന്ന അവസരത്തിൽ മിക്കവാറും പ്രത്യക്ഷപ്പെട്ടിട്ടുള്ളതാണു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): According to the amendment to section 55 proposed by the member, may I know whether anybody who starts a kurichitty hereafter could be prosecuted without the sanction of Government ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether the whole object is now not rendered a nullity by the section ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : We trust the Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether it is right to take the point of view that anybody may be prosecuted, for purchasing a ticket or for being responsible in any way in the conduct of a chitty, by any irresponsible officer or whether it will not be better to entrust the whole matter to Government or to a responsible officer appointed by Government to prosecute anybody who takes part in the chitty ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): By this amendment we are giving the discretion to the Government.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ൧൦൯൮-ലെ ൩-ാം റഗുലേഷനിൽ ഇതിനു നിയമസാധുത്വമില്ലെന്നും കുറിച്ചിട്ടികൾ നടത്തുന്നതു ശിക്ഷാർഹമാണെന്നും പറഞ്ഞിട്ടുണ്ടു്. അങ്ങനെ ഇരിക്കെ, അതിനെ വിഗണിച്ചു ചിലർ കുറിച്ചിട്ടികൾ നടത്തിയിട്ടുള്ളതു ശരിയാണോ എന്നാണെന്റെ ചോദ്യം. അതിനു ന്യായമായ ഉത്തരം പറയണം.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : അതിനാണു ഞാൻ മുമ്പു പറഞ്ഞ ഉത്തരങ്ങളെല്ലാം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇതുവരെ യതൊരു സമാധാനവും പറഞ്ഞിട്ടില്ല.

MR. K. P. ABRAHAM (*Muvattupzha* cum *Todupuzha*): തലയാളന്മാരും ചിററാളന്മാരുമുള്ളതിൽ ഒരുവശത്തേക്കു മാത്രം ആദായം വരുത്താതെയിരിക്കാനും മറുവശത്തേക്കു വേണ്ട സൌകര്യങ്ങൾ കിട്ടുന്നതിനും വേണ്ടിയാണു് ഈ ഭേദഗതി കൊണ്ടുവരുന്നതു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): നിയമംമൂലം സാധാരണ ആളുകളെ മനസ്സിലാക്കാൻ വേണ്ടിയാണോ ഇങ്ങനെ ഒരു ഭേദഗതി കൊണ്ടുവന്നതു്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): സാധാരണ ആളുകൾക്കു മനസ്സിലാകുമെന്നു കരുതി മാത്രമാണു ഞാനിങ്ങനെ കൊണ്ടുവന്നതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Of course, the whole House understood that the Law Member was responsible for the drafting of this amendment and so this House is waiting to hear him in explanation of this provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If any member would second the amendment I am prepared to speak on this amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is the legislature competent to give validity to a transaction already declared void by the general law of the land?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Of course, the legislature can amend its own laws.

The amendment fell through for want of a seconder.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): We would like to hear the Law Member on the amendment of Mr. K. P. Abraham.

DEPUTY PRESIDENT: The Law Member does not second it and no other member has come forward to second it. On that ground the amendment has been lost.

Anybody desiring to speak upon Mr. Krishna Pillai's amendment?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): Sir, I rise to support Mr. Krishna Pillai's amendment. Mr. Krishna Pillai's amendment reads thus. "Any person who hereafter starts and conducts any transaction of the nature of those declared void by section 4 and any person who collects or solicits any money for any such transactions shall be punishable with imprisonment of either description" etc. All that Mr. Krishna Pillai's amendment wants to see is that with regard to transactions of the nature of kurichitties that have already been started the persons who have started them may be allowed to conduct them, and, as I understand the amendment, I think that they are disentitled even to collect money in future. If that be so, I think all he mischief that is now sought to be avoided could be avoided and urther mischief that is intended to be introduced by Mr. Abraham's mendment could be prevented. Some doubt seems to have been

[Mr. A. S. Damodaran Asan]

expressed by some of my friends that Mr. Krishna Pillai's amendment may permit the collection of money by persons who have already started chitties even after this comes into force. What the amendment says is that any person who *hereafter starts and conducts* any transaction of the nature of those declared void by section 4 shall be punished. And then it says "any person who collects or solicits any money for any such transaction." By "any such transaction" I think, is meant a transaction that is declared void by section 4. If my interpretation could be accepted as correct, I do not think there will be any difficulty in accepting Mr. Krishna Pillai's amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will the member explain that? I believe the Law Member's doubt is......

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is it the member's doubt or the Law Member's doubt?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I also do feel some difficulty over the matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If it is mainly the Law Member's doubt let the Law Member speak.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I also feel some difficulty over the matter, in respect of the words "any such transaction". Will it not exclude those that are started before the passing of this Regulation? Because any person who hereafter starts and conducts any transaction and any person who collects money towards such transaction is mentioned in the amendment, will it not enable people to collect money for transactions started before the passing of this Regulation? Just to clear that will the member be agreeable to add the words "started before or after the passing of this Regulation"?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have absolutely no objection to add that. That is what I was going to suggest. My own view is that it would refer even to chitties that have already been started.

DEPUTY PRESIDENT: Could not the expression "such transactions" mean transactions so started and conducted. Such would have reference to something that is found before. Here reference is made to a transaction being started and conducted. Will it not mean transactions so started and conducted, in which case Mr. Krishna Pillai's amendment will be well-founded?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The amendment first refers to the persons who start and conduct and later it says from persons who conduct any transaction of the nature of those declared void and I think that "such" applies to the transactions of the nature of those declared void by section 4.

Anyhow, since there is so much difference of opinion with regard to the interpretation of that, I am quite prepared to suggest this to Mr. Krishna Pillai's amendment. In case the Chair allows me, I will move my amendment to Mr. Krishna Pillai's amendment. It is only an amendment to an amendment. At this stage, I am entitled to move it.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അതിന മി കൃഷ്ണപിള്ളക്ക സമ്മതമുണ്ടോ എന്നറിയണ്ടേ ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In the absence of Mr. Krishna Pillai, his seconder or other members could accept it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How could the seconder take the place of the mover?

DEPUTY PRESIDENT; I think that difficulty can be solved by treating this as an amendment and allowing votes to be taken upon the two separately.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What is the amendment? We have not got that amendment before us. We never felt when we came here that such complications would arise.

DUPUTY PRESIDENT: Let us hear what it is.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): We have not got the amendment yet. Permission should not be given for moving it.

DUPUTY PRESIDENT: Permission would depend upon the nature of the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): This is the amendment.

In the place of the words "any such transaction" occurring in lines 3 and 4 of Mr. S. Krishna Pillai's amendment, substitute " transactions declared void by Section 4".

My object is only this. All those persons who have started chitties and who have collected monies will be enabled to conduct those chitties without making any further collections. Further collections are made punishable by my amendment also. So, a foreman who has started a chitty could not plead that he is unable to conduct because a legislation has intervened. With that object, I move this amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I support Mr. Damodaran Asan's amendment.

DEPUTY PRESIDENT: The fact that there is no objection to the motion will indicate that permission may be granted to move this amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The original amendment to which Mr. Damodaran Asan has proposed an amendment reads thus:

"Any person who hereafter starts and conducts any transaction of the nature of those declared void by Section 4 and any person who collects or solicits any money for any such transaction shall be punishable with imprisonment of either description.......... or in both".

[Mr. E. V. Krishna Pillai.]

Here, even according to the original amendment there are two sets of people who are made liable to punishment. The first set comprises those who start such transactions hereafter and conduct them. The second set consists of those who collect or solicit money for such transactions. The mover of this amendment has met the objections raised by the framer of the amending Bill to a great extent. If at all there is any scope for any objection being raised about this amendment, it consists of one interpretation and one interpretation only. That is, whether Mr. Krishna Pillai has sought to penalise the conduct of those who solicit money or collect money towards a transaction declared void under Section 4, a transaction that was started before the passing of this bill into law. There is absolutely no such interpretation possible; but any way Mr. Asan's amendment sets at rest all those doubts. I do not see any ground why such an amendment made clear by Mr. Asan's amendment cannot be accepted by the framer of the bill.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does this amendment enable the subscribers to a transaction already existing, to recover money already paid?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It does not enable.

MR. K. P. ABRAHAM (*Muvattupuhza* cum *Todupuzha*): On the other hand, is it not a safeguard for the foreman not to pay the amount already collected?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Any provision enabling the subscribers to come to any equitable arrangement with the foreman will be welcome to Mr. Asan.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): But that is not in the present amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No, that is not in the present amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): What is the objection in regard to that?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I have absolutely no objection for such a provision being made.

DEPUTY PRESIDENT: But that amendment has been lost. You cannot speak about that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I will not speak about that. Mr. Krishna Pillai has made the point so clear. He has stated how this provision, as it stood originally if it, would become law, will affect a good deal and will also contravene certain elementary principles of legislation. If we are going to pass into law the provision as it originally stood, it would mean that we are helping those who have, on the strength of the allowance made by the existing law, collected huge sums of money from a good section of the people here and elsewhere, to appropriate the whole amount to themselves.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What prevents them from appropriating that now under the existing law?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): They cannot do so without injury to their prestige and reputation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): By enacting now that those who have started and collected money must be given an opportunity to repay the amount, are we not attempting to legalise a transaction which to-day is illegal?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): I have absolutely no objection to ask those people to repay the amounts. It would seem that as the amending bill stands, even that is punished.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Are we not recognising an illegal transaction by asking the foreman to pay back the money?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): I do not know how my friend interprets it. I do not know whether he thinks that the difficulties can be got over by the amendment of the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is the guarantee that the subscribers will get their money if this amendment is passed?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): That is why I said that I am agreeable to Mr. Abraham's amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But that is not now before the House.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): The Law Member's provision is more drastic inasmuch as it seeks to penalise many other sets of people also who cannot be proceeded against legally.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As the amendment stands, the foremen who have collected money will be exempt from punishment. If they choose to conduct the transactions they can conduct them and if not they will not be penalised. That is the effect of the amendment as it stands.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): That is the existing law and that is the provision as proposed by the Law Member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish to know what is the effect of the amendment now moved? If the member wishes to answer me, he may answer.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): I will answer the Law Member. It may be a fact that the existing amendment does not provide for such cases as are contemplated by the Law Member and Mr. Neelakanta Pillai. But, it is a definite improvement upon the original.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Law Member at least prohibits the *future* conduct. This amendment does not prohibit the future conduct, but, at the same time, prohibits the subscribers from claiming.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member does not only penalise future conduct but he penalises many other persons. If the Law Member objects only to the persons who have collected large amounts conducting the transactions as originally undertaken by them on an equitable basis, I have absolutely no objection. My point is only to see that all these persons are not proceeded against.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does not the member see that this amendment is clearly one-sided?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is as much one-sided as the Law Member's original provision.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does not the member think that the amendment which I moved is both sided?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I am not allowed to speak about that amendment which was defeated without even a seconder. Mr. Krishna Pillai has spoken at length about the evils that would accrue from adopting the Law Member's provision.

MR. P. S. MAHOMED (*Nominated*): പണം പിരിച്ചു കൈവശം വച്ചിരിക്കുന്നതായ ഫോർമാൻ മേലാൽ ചിട്ടിനടത്തേണ്ട എന്നു വിചാരിക്കുന്നതുകൊണ്ടു സബ്സ്ക്രൈബേഴ്സിനു വല്ല ഗുണവും കിട്ടുന്നുണ്ടോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): യാതൊരുഗുണവും കിട്ടുകയില്ല.

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെ ചിട്ടി നിറുത്തുകയാണെങ്കിൽ തലയാളന്മാർക്കു ഗുണമുണ്ടാകുന്നതല്ലേ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഉണ്ടാകും.

That is the point which is beautifully suggested by Mr. Mahomed. Here, as I said, where is the guarantee even before such a provision is thought of that the foreman would fulfil his agreement? I was going to reply to him that the guarantee was seen in his personal prestige and business reputation. If any body is advertising that he is a man of no character no body will purchase tickets from him.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to a chitty already started what is exactly the nature of the claim that a subscriber can have upon the foreman?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): On the personal credit that a foreman was able to create among the people he was able to collect so much. We could very well believe that these people who care so much for personal credit and who on account of their personal credit were able to collect so much would continue in that strain the responsibility involved when they undertook collection. It was asked by Mr. K. P. Nilakanta Pillai where was the legal

obligation that devolved on those foremen that they would fulfil the responsibility which they undertook. My answer, as suggested by Mr. P. S. Mahomed, is that they clearly undertook a moral responsibility on the strength of the personal credit that they obtained in the market for the disbursement of the amount. It is on the strength of that they got subscribers. They have subscribed large amounts. We have trusted them to fulfil the obligations vested upon themselves to the common success of the people. They would now go against their personal reputation. By this provision the law intervenes with the people who were able to collect so much money by the reputation of their personal character and says that they need not legally be obliged to fulfil these transactions.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether by allowing the subsisting transactions to be fulfilled by the conducting of the chitty any further liability is imposed on the subscribers of a kurichitty who have already subscribed.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether by the amendment as proposed by the Law member that provision makes it impossible for any foreman to give back even in case he is willing to pay the amount to a subscriber?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): This is exactly my difficulty. I do not think so much thought has been bestowed upon it by the Law Member.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether these men who have started these chitties are in possession of all the funds collected?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I am not an accountant or an auditor going about auditing their books.

MR. K P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the member had anything to do with those companies?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is the pity of it. Absolutely nothing.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether there are kurichitties subscriptions of which are collected even after the first drawing?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): There may be. Such kurichitties should be penalised. I do not want to plead for these people.

MR. P. S. MAHOMED (*Nominated*): കുറിച്ചിട്ടിനടത്തി നിറുത്തിയ ആളുകളെയും മേലാൽ ശിക്ഷിക്കേണ്ടതല്ലേ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ശിക്ഷിക്കണം.

My point is, we will be doing injustice not only to those unfortunate people who were unable to ask for the return of the amounts on

[Mr. E. V. Krishna Pillai.]

equitable proportion but also nipping them in the bud. There is absolutely no legal obligation if people care to legal obligations for registry of documents and for the validity of contracts specified by law. There is no cause which enables such people to push through such transactions. Now the Law Member asks these people to get away sacrifising everything they have got by way of personal credit and reputation. Where is the urgent necessity for that, I ask.

MR. A. THANU PILLAI (*Trivandrum*): Does not the member think that the foremen will not lose their reputation if they are not able to pay back the subscriptions hereafter because it is the law that prevents them from doing that? How is their honour and character impaired? They have got themselves entrenched behind law.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Certainly the reverse side of it. Where is the guarantee that people would not say that the framer of the law wanted to safeguard these capitalists, to see that they are legally prevented from paying these people whom they had promised to pay? Is it not a very unjust measure? I do not say that all these foremen are honourable, or that all of them were actuated by the best of motives. There may be some who take narrow views in this. There are others who view the whole thing with very great concern and who want to see that an unjust piece of legislation brought by the Law Member is not passed into law. Now they come forward and say we are now in possession of forty to fifty thousand rupees. Now the Legislative Council is intervening and incapacitating us from discharging our obligations. I want to say that we are not giving them an opportunity.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the member agreeable to a provision that the amounts with the foremen shall be paid to Government?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It may give rise to many other objections. The existing provision is as absurd as the one declared by the Law Member.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Is the return of the money to the subscribers made penal in the original clause?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Asan's amendment removes all the difficulties with reference to the provision proposed by the Law Member with reference to future contracts also. What I want to see is that those undertakings by the foremen are given effect to and also those expectations entertained by the subscribers are not allowed to be prevented by such a hard piece of legislation. As I said, Mr. S. Krishna Pillai has made a definite improvement upon the original provision, because here it was clearly explained by him yesterday why the law is made so comprehensive as to include in its grasp all those people who might be innocent in the

matter by the retention of the words "any person who is responsible for the conduct of any transaction declared void by Section 4". We will just imagine an instance of such a transaction, details of which and the intricate legal consequence of which are not sought to be fit to be disclosed by those who are responsible for the conduct of such a tranaction started and conducted outside Travancore. Some huge company from the United States may send an advertisement to a public organisation here and it will be cared for much. The poor newspapers in Travancore cannot undertake these advertisements. They have to carry on correspondence with these people. They will write back to us saying that there is a wonderful country with the provision that "whoever responsible for the conduct of a transaction declared void under Section 4 ....". We might be invoking upon ourselves the wrath of law if we care for the publication sent to us. These people will treat the whole thing as innocent and will withdraw from the advertisement. Suppose on the *bona fide* belief that those transactions do not come under such prohibition those papers honestly publish the advertisments.. The next day the Police will be asked to prosecute them and they will be liable for punishment because they are responsible for the conduct of such things. I was suggesting to the Law Member another difficulty also which I do not think can be overcome by anybody who speaks in support of the original provision. Some transactions were started in British India or in the continent of Europe. There I firmly know because I am allowed to be in the know of things of particulars that these were transactions which were void under Section 4. I undertook the contingency of selling the tickets here. The police prosecute me. I go to a Court of Law and the whole burden of prosecution lies upon the Police. I will say that these are transactions which come under Section 4 which declares that certain transactions are void. Where will the prosecution get evidence?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): They can appoint some people in Amsterdam or Europe and conduct enquiry there.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Probably they can do so. Our law of evidence is so weak as to enable such prosecutions to be successfully conducted. They will get scraps of paper which may not contain these things. Then the Police will have to depend upon ordinary witnesses and propably it was with this hope that they framed the case. One witness may say "this agent approached me and asked me to take a ticket in a concern in Amsterdam and he told me that these transactions are declared void under Section 4". Some such things will have to be told by the witnesses for proving the offence that is sought to be proved by the Law Member by this provision and my honest submission is that we are fringing legislation which is unwarrented and which is uncalled for by the circumstances and which makes room for mischief to be done. There may be some charitably disposed man who will contribute to an orphanage. He pays half a rupee or one rupee and the next moment he can be arrested by the Police for the atrocious crime of charity by this Regulation. He

[Mr. E. V. Krishana Pillai.]

has to stand that prosecution whether successful or not. The Police may give evidence to the effect that he contributed or participated in a transaction which was declared void under Section 4 of the Chitty Regulation. I do not see any reason why the Law Member should rush through this piece of legislation in spite of its inconvenience and harm to us. If it is an urgent piece of legislation which will be useful to the people and to the country in a large measure, then I can realise the Law Member's hastiness in enacting a legislation. In the absence of such an emergency this piece of legislation is sought to be hurried through in the nature of a Congress Ordinance. If there is any doubt whatsoever about the insurance business we could understand the reasonableness of heart burning and complaint by Government. I ask whether when this was first brought, the Go vernment could quote any instance of any representation received from any section of the public saying such a piece of legislation is necessary.

Mr. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഇൻഷുറൻസു കമ്പനികളെപ്പററി വല്ലപരാതികളും ഉണ്ടായിരുന്നുവോ?

Mr. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): നമുക്കറിയാവുന്നിടത്തോളം ചില പരാതികളൊക്കെയുണ്ടായിട്ടുണ്ടെന്നു കേട്ടിട്ടുണ്ട്.

Mr. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഗവണ്മെൻറിൻെറ അടുക്കൽ പരാതി വല്ലതും വന്നിട്ടുണ്ടോ?

Mr. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഉണ്ടെന്നെനിക്ക തോന്നുന്നില്ല.

It is only after a question agitates throughout the whole country, for a long time and after it has crystalised into some definite shape some sort of relief should be thought of by the Government. In all such cases, there must be a large volume of public opinion for the introduction of a measure of the kind that is now introduced.

Mr. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I rise to a point of order. Can the member discuss the principle of the bill at this stage ?

Mr. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I was saying that it is only when there is a strong body of public criticism for the necessity of a legislation of the kind that such a measure should be forced by Government. Instead of doing such things, since we are asked to vote, we can only do so according to our desires. Mr. Krishna Pillai's and Mr. Asan's amendments if agreed to meet the Law Member more than half way, even far beyond halfway. They conceded every provision sought for by the Law Member. They only want to see that two sets of people namely the foremen and the subscribers are not prevented from getting on the one hand and from collecting on the other, what they have promised and what the other people expected. If anybody wants to see that the foreman who is in possession of funds is not

enabled to take shelter under the provisions and is obliged to pay back the money collected by him, certainly a provision to that effect is welcomed. But only see that the whole set of people who have benefited nothing are not made liable in the first place for those who want to give back the money. Those who expected the money by way of realising it are not prevented from their expectations to that extent. With these words I support Mr. Asan's amendment.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): തലയാളന്മാർ പിരിച്ചെടുത്തിട്ടുള്ള സംഖ്യകളിൽ നിന്നും ചെലവുവന്ന തുക കഴിച്ചു ബാക്കിയുള്ള സംഖ്യ ചിററാളന്മാൎക്കു കൊടുക്കണമെന്നുള്ള ഒരു ഭേദഗതി കൊണ്ടു മെമ്പർ തൃപ്തിപ്പെടുമോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnathur*): യാതൊരു വിരോധവുമില്ല. എന്നാൽ അതിനു പലരേയും വിശ്വസിക്കേണ്ടി വരും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അവരെ വിശ്വസിക്കുന്നതുകൊണ്ടു വല്ല തരക്കേടുമുണ്ടോ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): ഒരു തരക്കേടുമില്ല.

Nobody should be allowed to start and conduct any transactions after the passing of this amendment Regulation. At the same time nobody should be allowed to collect even a pie for any transaction which was started before the commencement of this Amendment Regulation. I do not see anybody has any objection to expect that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): From the trent of the speech of the members who opposed the amendment of the Law Member and who supported the amendment of Mr. Asan, I find they are labouring under a misconception. If I may be permitted as a special concession I move an amendment to the existing clause by which the whole of the objections raised by them may disappear. The money left with the foreman should be deposited with Government. I have a draft ready. If permission is granted by the Chair I shall move it. The only ground on which the opposition is mooted is that there is a moral responsibility on the part of the foreman and it would be rather awkward on our part to throw the responsible man into an irresponsible situation. My amendment will remove all that misconception.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether the Government are not sufficiently responsible not to go in for this money.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I only seek the permission of the Chair to move my amendment.

DEPUTY PRESIDENT: You may move the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The existing section 53 may be styled 53 (*a*) and my amendment as 53 (*b*).

[Mr. K. P. Nilakanta Pillai.]

"..........The moneys collected by such person in the conduct of such transactions and remaining in their hands after meeting reasonable expenses shall be forfeited to Government".

MR. S. CHATTANATNA KARAYALAR (*Pattanapuram cum Shencotta*) Probably you suggest this as a consequential amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Why should the money be kept by Government?

MR. E. V. KRIHNA PILLAI (*Kottarakara cum Kunnattur*) : Probably the member wants to make Government richer at the expense of the poor subscribers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Instead of money being in the foreman's hands I think the money be deposited with Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Has the member any objection to utilise that sum for the next election campaign?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not understand the member.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : We must get copies of that amendment, Sir. We have not been able to look through it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Permission has been granted to move the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I move the following amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : To avoid all the difficulties why not the Law Member himself move the amentment Sir? A man who understands the technicalities and who has drafted this amendment may himself move instead of his mouth-piece being allowed to move.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : For the information of the member, I will read my amendment once again.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I would once again request the Law Member who has drafted the amendment to move it, instead of his mouth-piece moving it without understanding the contents of it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not see there is any justification for the Law Member moving the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : The Law Member has been drafting the amendment.

DEPUTY PRESIDENT : Mr. Kunjukrishna Pillai, you are not in order, in referring to a member as the mouth-piece of an other member.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) The Law Member himself has created that impression by his conduct.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) The amendment has been drafted by the Law Member and Mr. K. P. Nilakanta Pillai is not even able to read it intelligently.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Order, Order?

MR. A. THANU PILLAI (*Trivandrum*) ; Is it a sin for the Law Member to help another member in drafting an amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I move the following as section 53 (*b*):—

"The moneys collected by such persons in the conduct of such transactions and remaining in their hands after meeting reasonable expenses shall be fo efeited by Government'."

I do not say that the amendment is perfectly worded. It is open to any member to suggest alterations in the wording.

My object is that the proposed bill is being opposed on the only ground that there is a sort of moral obligation on the part of the man who started an immoral or illegal transaction. Therefore the legislature should do something to help him to get out of such a ridiculous situation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Will the member please explain how the subscriber is benefited by this amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is why I put a question when Mr. E. V. Krishna Pillai was speaking, what is exactly the nature of the claim which a subscriber can put on the foreman. Nobody can put forward a definite claim on the foreman. When the lotteries take place half a dozen men get prizes and that is the consolation on the part of the foreman to appropriate the rest of it and give an outward impression to the world that he has discharged the moral responsibilities which he took upon himself very well. This amendment if accepted by the House will help the foreman to discharge his responsibility. Hereafter nobody would speak of him as a dishonourable man because he appropriated all the moneys collected from the subscribers.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I believe no dishonourable Government will appropriate that money.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I may justify that. The only grievance on which this amendment is drafted is that large amounts of money have been collected by foremen by deceiving, cheating and misrepresenting all subscribers and making fantastic promises and no return is made to subscribers in such a transaction. Therefore I suggest that all the money remaining with him shall be forfeited to Government. After all an individual subscriber might have paid only a small sum. As a matter of fact if the transaction is allowed to be carried on to the end to complete itself nobody can claim any definite amount. At least half a dozen men may get prizes and the others must be satisfied with what others get. Now by this provision if the remaining money is made over to the Government the honourable subscribers will see that the money is properly spent by Government for the sake of the country and for its general good.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What about the money that comes from outside.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That will also receive the same fate. People at large will be benefited and the country also

[Mr. K. P. Nilakanta Pillai.]

to some extent will be benefited. I do not see that this is a perfect drafting. But the objection put forward that the foreman will himself utilise the money will certainly disappear if the money is entrusted with Government. It is true the foreman was able to collect so much money on his personal credit and the subscribers trusted him and to that extent they must give him a moral opportunity to discharge his claims. With these words I move the amendment for the acceptance of this House.

MR. K. P. MADHAVAN PILLAI (*Shertallai*) : Why should Government become richer at the expense of poor subscribers.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : A man may commit theft at the expense of a poor man.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : The thondi articles go to the original owners.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : There are some sections where thondi articles may not exist but nevertheless the offender is fined and the fine goes to the Government Treasury. Why should the money of the poor be taken? I understand that the Government when they take this money are not going to utilise it for their own purpose apart from the interests of the people who have made these subscriptions to the foreman. Sir, nobody felt the payment of 8 as. or 6as. as a heavy burden and it is only a few who are going to be given a paltry sum as prizes and the rest will go to the pocket of the foreman.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Has the member any other suggestion to make for the benefit of the Government to tide over the economic depression ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not say that this is suggested as a means of tiding over the economic depression. As a matter of fact the amount which may go to Government in this way may be very small. That is another reason. As a matter of fact the poor people who paid 8 as. or 6 as. even now have no specific remedy to get back these amounts from the foreman. The transactions are void or illegal and hence they cannot.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Why not the Government allow the kurichitties to be conducted in the future also?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is what the members want. It is only to achieve that I thought an amendment was moved by Mr. Abraham to say that kurichitties should be allowed to be conducted whether they are valid or invalid, legal or illegal.

DEPUTY PRESIDENT : Are you not going beside the point, Mr. Nilakanta Pillai ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : The purport of the amendment is clear. What is intended is to serve the oppositionists.

MR. A. THANU PILLAI (*Trivandrum*) : May I know whether if those people who are opposed to this part of the Bill would be satisfied in allowing the money to remain in the hands of the foreman? Would Mr. Nilakanta Pillai press this amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Certainly not, because the whole objection seems to be in allowing the money to remain in the hands of the foreman who has a moral responsibility but who is prevented from discharging his responsibility. He should be given an opportunity of discharging that responsibility.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether the member has any objection if the subscriber is given any money?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Certainly not.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : But it comes to that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I am opposed to the whole thing. Nobody has any sort of control over kurichitties. It is not in any way a consolation for the 50,000 people who may have subscribed to it. As Mr. Krishna Pillai said these subscriptions were made partly in the way of innocent enjoyment when nobody expected a return. There should be some legislation that these amounts should be taken by Government and utilised for deserving purpose. That will be consoling to the individual subscriber than the amount going to the foreman who conducts a lottery and takes a lion's share of it after having given half a dozen useless prizes to half a dozen subscribers.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): സർ, ഇതിനെപ്പററി പലക്കും അഭിപ്രായവ്യത്യാസങ്ങളുള്ളതുപോലെ കാണുന്നുണ്ട്. അതുകൊണ്ട് ഇക്കാൎയ്യത്തിൽ വേണ്ടവിധം തീരുമാനിക്കുന്നതിനു ജന്മി കുടിയാൻ ബില്ലിനു ചെയ്തതുപോലെ ഒരു മണിക്കൂർ നേരം ഞങ്ങൾക്കു സംസാരിക്കാൻ സൌകൎയ്യം കിട്ടിയാൽ സാധിക്കുമെന്നു തോന്നുന്നുണ്ട്.

DEPUTY PRESIDENT : Is that amendment seconded?

MR. R. S. SUBRAMONIA PILLAI (*Kalkulam* cum *Vilavancod*) : I second it.

DEPUTY PRESIDENT : I think we may now try to get through the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : In what order are we to speak on these amendments?

DEPUTY PRESIDENT : The order will be decided when the time comes for voting. All these amendments are now before the House and they may be debated upon.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir..............

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : On a point of order. Whether the member who has already spoken over the other amendment can speak on this?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I oppose the amendment of Mr. K. P. Nilakanta Pillai seconded by Mr. R. S. Subramonia Pillai and I accept the amendment of Mr. Damodaran Asan to the amendment moved by Mr. Krishna Pillai.

DEPUTY PRESIDENT : The mover is not here and you are virtually the proposer of that amendment. You accept the modification of Mr. Damodaran Asan.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes Sir,

DEPUTY PRESIDENT : Have you any observations to make?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : In opposing Mr. Neelakanta Pillai's amendment seconded by Mr. R. S. Subramonia Pillai, I have to make certain observations. I think that the only objection of the mover seems to be that the money in however small a measure it might be should not be got either by any one of the subscribers or by all the subscribers at any time.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, it is my friend's own interpretation and he may take the responsibility for it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I take the full responsibility for the inference.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I ask my friend to give out his opinion without infringing what my opinions are?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I have to speak on the opinions expressed by the members on the amendments before the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For heaven's sake let not the member misquote me.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I am quoting the member and it is for the House or the President to correct me, if I am misquoting him. I persist in saying, Sir, that the only inference which could be drawn from the speech of the mover of the amendment, namely, Mr. K. P. Nilakanta Pillai's speech, is that he is not averse to Government confiscating the remaining money, that he is not averse to the foreman appropriating the whole amount; but he is averse to one thing and that is, if the amount is disbursed after drawing lots, or at the end of the transaction if the money is paid with a certain interest he is sorry that a few alone get the prizes but he is not sorry if no one gets prizes. He will be very glad if Government will take away the money. He will also be very glad if the foreman takes the money, but he is sorry if any of the subscribers—poor people get the prize of Rs. 5,000. He gets jealous. This is a curious mentality, Sir, this mentality of his (Mr. E. V. Krishna Pillai, *hear, hear*). I cannot understand how a representative of the people can take up such an extraordinary position. I do not find anything in support of that point of view. I was thinking how was it possible for a member to present such an extraordinary proposition seriously for the acceptance of this House. I do not want to say anything more with regard to that amendment of Mr. Nilakanta Pillai.

In supporting Mr. Damodaran Asan's amendment, I say that opportunity for disbursement should be given for people who conduct these transactions if they do not make any further collections. If it is possible to disburse the amount then opportunity should be given. I fail to see, Sir, how the original clause as provided by the Law Member, safeguard the interests of the subscriber any better. Of course we could concede that it is a void transaction. The whole trouble arose and there were few kurichitties before the High Court pronounced judgment that they are not in the nature of lotteries. The High Court is responsible to a considerable degree in bringing into existence many of these kurichitties and after having allowed the people to bring up such kurichitties and allowing them to make all collections, now the law is proposed to be enacted: For the benefit of whom? I fail to see, Sir, to whose benefit this law is. The honest foreman suffers a lot because he will not be able to conduct a chitty. I can understand Government standing against the collection of money for future kurichitties.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member how a person can be said to be honest when he receives money from another under a transaction which the courts will not enforce?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*). Well, even without the aid of a court those people who have subscribed believe that the foreman will discharge his obligations? There is such a thing.............

MR. A. THANU PILLAI (*Trivandrum*): I wish to know from the member................

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) I have not fully answered one question; before that I am not prepared to listen to another question. Sir, there is such a thing as the fear of law and the sense of law. On account of the sense of law they thought that even without the fear of punishment they were prepared to make disbursements.

MR. A. THANU PILLAI (*Trivandrum*): Then, may I know from the member.........

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I have not fully answered the first question and I am not going to listen to another question before I have answered it. Sir, on account of the sense of law and ont account of their faith in the foreman, from experience, they thought tha money transactions might be conducted as between neighbours and as between people who are wellknown, though it may not be strictly enforceable in a court of law. Because a transaction is not strictly enforceable in a court of law it does not necessarily mean that it is an immoral transaction.

MR. A. THANU PILLAI (*Trivandrum*): Now that the member has answered my question, I would like to ask whether there is any guarantee in the case of these foremen that they will live long enough to see the end of the transaction and if there is any guarantee whether their successors in interest will be equally interested in repaying the money?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) They will certainly make arrangements.

MR. A. THANU PILLAI (*Trivandrum*): Even after their death?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): They might have made their own arrangements for payment. What is the safety provided by the new legislation? I fail to see except that it has been made penal. If I make any claim on a kurichitty that has been drawn in my favour I may be clapped in jail. That is all the benefit which a beneficient Government confers upon the subscribers of these chitties.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*). Is it the belief of the subscriber in the foreman on account of their sense of law and not fear of law?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, if he comes to me at my leisure I will explain to him the difference between sense of law and fear of law. I think he has absolutely misunderstood and he has not been able to distinguish between chalk and cheese.

Sir, I very warmly accept the modification of Mr. Damodaran Asan. I do not want to take up more of the time of the Council except to say that we will be very irresponsible in every way if we allow the provision of the Law Member to be passed. Whatever may be the personal prejudice with regard to that amendment, it will be a very serious responsibility that the House will be taking at the fag end if such a serious punitive legislation is carried through and Government will have to thank themselves for the consequences.

MR. KAAYLAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose my friend's amendment. The transactions with which we are concerned are void. At the time the Chitties Regulation was enacted the object was to make these transactions illegal and it was expected that these transactions would not be conducted. Therefore what is proposed by the present clause in the Bill is to make such transactions penal. That is the strict view of the law. Law has declared that these transactions are void and therefore the law cannot any more tolerate them. It therefore follows that people who take part in such transactions shall be made liable to punishment. That is the strict view of the law and the view at any rate according to one opinion.

The amendment that is now moved states that those persons should be allowed to conduct the transactions in future. That is against the law declared by the legislature for the simple reason, that void transactions should not be allowed. Probably a view might be taken that if there is some paramount necessity they may yet be allowed. But I ask what is the paramount necessity? It is not apparently that the subscriber's interest must be protected, or that a large number of people who might have been duped, because they are poor, gullible and greedy and who paid some money, deserve our sympathy. If this amendment had made any provision for safeguarding their interest I would have considered the acceptability of it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But this does not block the way?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. As the amendment stands, it merely wants to exculpate the foreman. It allows him to conduct the chitties if he so wants, and if he is not pleased to do so, to permit him not to conduct it. That is what it comes to.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the original Bill prevent the foreman from appropriating the whole amount he has collected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It does not.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was it one of the objects of the Law Member in drafting that Bill to prevent the foreman from appropriating it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The object was to clearly declare all void transactions punishable and therefore the strict law was applied that the violation of the law should meet with punishment. That is the only object. There can be no tolerance whatsoever towards the conduct of such transactions whether started in the past or in the future. The amendment wants certain transactions to be conducted in the future. I ask why?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): What about the money collected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is nothing in the amendment about it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*); Does the Law Member recognise that some individuals or others were successful in appropriating large funds from the people?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) At that time was it not the law that such transaction was void?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the explanation of the Law Member for the success of these people?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): These people were greedy perhaps; that was what was stated here and the people who paid were poor people who were gullible and greedy and allowed themselves to be defrauded.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) Cannot the Law Member think that those people who were responsible for collection had also enjoyed some reputation and that was the prime reason.........

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I will not hazard an answer to that question.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Sir, I wish to have an explanation from the Law Member for the fact that these people came to be defrauded.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the opinion expressed by the House was that the people who paid were poor and greedy.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Is it the Law Member's view?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It was stated here.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): I want to ask the Law Member whether he has felt the necessity for such a piece of legislation on account of the fact that there were some individuals who were successful in appropriating large sums of money to the detriment of the poor and the greedy who were persuaded to give money.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall not dilate upon the necessity for the law at this stage. The object is to vindicate the majesty of the law. The amendment of Mr. Asan says that an exception should be made. I ask for whose benefit is it sought to be made. I could have understood if the object was to benefit the poor people, the people who were gullible and greedy and were defrauded into parting with their money and then I would have considered the acceptability of the amendment. As it is, no consideration is given to the poor subscribers. On the other hand, he only wants the foreman to be exempt from the penal provision.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): I question the Law Member's statement. I fail to understand the logic in what the Law Member says. Of course, the Law Member should not be allowed to say what is ununderstandable.

DEPUTY PRESIDENT: If it is a question that you want to ask, then you may put it.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): It is only a question that I wish to ask the Law Member. What is the difference between the amendment moved by Mr. Asan and the original provision of the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is prohibited in the Bill is sought to be allowed in the amendment of Mr. Asan, and as such I want to know whom does that benefit. It benefits the foreman no doubt and in view of the fact that future collection is debarred by the amendment of Mr. Asan, the foreman can pocket the whole thing.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Sir, I am sorry I did not make my question clear. The Law Member says

that the original provision proposed by the Law Member makes it penal for the foreman of a chitty if he were to collect even a single pie whereas as proposed by Mr. Asan power is given for the foreman to collect.

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Mr. Asan's amendment merely benefits the foreman, for this reason that Mr. Asan's amendment says that the foreman will not be punished if he conducts the chitty. But, at the same time it is not stated that he is not under any obligation to pay back the money or conduct the transaction.

Mr. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How does it protect the foreman to a greater extent than the present law does?

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My amendment says that he shall not conduct it and therefore he cannot conduct it.

Mr. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): By conducting the chitty it is only to disburse the amounts.

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am simply standing by the law and saying that the law is inexorable.

Mr. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) That is exactly the answer we wanted to get.

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The only question is why should an exemption be made in the case of the man who has already started the chitty. There must be some reason for it. The law even from 1094 has said that these are void, and the object of the legislature then should be to penalise such transactions which exist even after they have been declared void for a long time.

Mr. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to understand the Law Member to say that his objection to Mr. Asan's amendment is not because it does not detract from the force as is intended by the original provision but because it allows some concession to those who are honest enough and who are not offenders in any way, not that Mr. Asan's amendment does not go to the benefit of the foreman but because it does not go to the benefit of the wide public?

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): For the third time I may say that my reason in opposing this amendment is that the law has already declared such transactions to be void and hence such transactions should not be conducted in the future. There is absolutely no reason why transactions which have already been declared illegal should be allowed to be conducted in the future.

Mr. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know from the Law Member whether he would now rectify the imperfections in the Regulation of 1094?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall not answer that question. I am concerned with this amendment and in regard to this amendment I am saying that the provision in the Bill says that no person shall conduct the transaction which has been declared illegal in the Regulation of 1094. Mr. Asan's amendment wants to exempt the conduct of chitties started till now. I ask what is the reason for this exemption. No reason was forthcoming.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Mr. Asan gave sufficient reasons.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; the foreman's benefit. That is his point Sir, I consider that no good reason

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Was it not said, that rightly or wrongly some money has been collected from the poor people and that that money must be allowed to be disbursed ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no provision for that. If there had been in this amendment a provision to say that the disbursement shall be made or some such provision, I could have understood the meaning of it. Mr. Asan does not say that though it is true that the law declares such transactions to be void there is a large number of people who are suffering and we should look into their condition and they must be protected, especially the poor and gullible people and it is in their interests that I am moving this amendment to enable them to get back their money." No such thing is sought to be made out from the amendment.

MR. K. KUNJUKRISHN PILLAI (*Quilon*): May I know whether it is not the view of Government that if anybody takes it into his head to pay back the money he should be punished ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The law must be vindicated. The law says that such transactions are void and illegal and I ask the question why should they not be punished for conducting such illegal transactions.

MR. M. GOVINDAN (*Nominated*): May I know if, in case there is a provision for the return of money, the Law Member will have any objection?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection.

MR. GOVINDAN (*Nominated*) If that is so, will he be pleased to suggest an alternative proposition ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If it had been agreeable to the House in general I would have considered it. But I know from what took place that it is not agreeable to the House.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether, as the clause stands, there is anything to prevent the return of the money taken from the subscribers ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. Only the *conduct* of the illegal transaction is punishable.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is there anything in my amendment which would prevent the return of the money by the foremen ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can he collect a pie more ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Of course he can collect provided the transaction is conducted in Tangasseri.

MR. A. THANU PILLAI (*Trivandrum*) : Cannot the formen return even to the last pie ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Yes, he can.

MR. M. GOVINDAN (*Nominated*) : Then why not he return it in the manner in which he has advertised ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said that if that was the general view on the other side of the House, Government were prepared to consider it. But, as it stands, Government can only say that the law declares that such transactions are illegal and that therefore they are punishable. That is the view of Government. But, if the non-official members feel that a large number of people deserve consideration, then Government are preared to consider that. But that does not seem to be the case. When Mr. Abraham moved an amendment, it was not even seconded. When that is the sense of the House, I think, the present amendment is objectionable.

DEPUTY PRESIDENT : What do you say about Mr. Nilakanta Pillai's amendment ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am in a very peculiarly delicate position in regard to that. He says that the money may go to Government. No doubt, it is one of the principles of law that if any offence has been committed in relation to an object, say, a knife or gun, these things may be forfeited to Government. Here it is money.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it an offence ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is, under Section 53 (*b*).

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : If money is stolen, is it the view of the Law Member that the money can be appropriated by the Government ?

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*) : There is a difference well known to every one. I shall not however take the time of the House to go into all these matters.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is a wonderful explanation and a wonderful analogy.

MR. M. GOVINDAN (*Nominated*): What is the principle underlying the provisions for confiscation ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I do not propose to answer that question today. Sir, as the amendment stands, I will only say that Government take a neutral view and Government will not vote upon that amendment.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Sir, I oppose all the amendments that are now before this House. The mover of the first amendment brought forward two reasons to support his amendment, namely, that the kurichitties in the land should not be penalised whilst there are worst practices in the land which are not penalised and secondly that in regard to kurichitties there is no legislation in any other part of the world. My reply to this argument is that it is not a question whether, because there is a similar law in any other part of the country, this legislation must come into effect in this place. The necessity for this legislation is felt because it has been brought to the notice of Government that it is merely the outcome of greed and penury on the part of certain people. There may be exceptional cases. But the Government must have felt the necessity for introducing a legislation on that point. This House, after having accepted the principle of the Bill on its very first introduction cannot now be in a position or should not in any way contravene the provisions of the Bill by introducing certain changes which would affect the very principle of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know why there should be any second reading for a Bill ?

MR. K. P. MADHVAN PILLAI (*Shertallai*): Changes can be made, but they should not be in contravention of the very principles of the Bill

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was it the experience of the member in regard to the Jenmi and Kudiyan Regulation Amendment Bill ?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): That is a different sort of Regulation.

My point is that the kurichitties in existence in the land are mostly in the nature of lotteries and it is only by virtue of a High Court decision made recently that these kurichitties have been excluded from the penal provision affecting lotteries in general, and it must be because of that particular reason that this piece of legislation is introduced now. One fact stares us in the face and that is that it is only to avoid the law that certain modifications are idtroduced in the existing kurichitties and not merely, as they say, to help certain charitable institutions. We have already found that not one of these kurichitties started in this country had been able to fulfil the agreement to the very letter. It is always against public policy to support these kurichitties which make one man richer at the expense of the poor public. These chitties are

deluding the public into the belief that they can get rich without any effort on their part. I have only to deprecate this practice which exists in the land. I give my emphatic support to the bill on this point and this point alone.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I also oppose the amendment of Mr. Damodarnn Asan. It is generally felt that there is very great need for putting an end to these kurichitties. I do not think it necessary to go into the phychology of people who start these chitties. It was urged here that some of these foremen are men of high character and great moral rectitude and that they would be in a difficult position if this provision is to become law. I have not in my mind any individual who has started a chitty concern like this. But I am speaking purely in an impersonal way so far as these foremen are concerned. I should think that a person who enters into a transaction with others, especially with a large number of other people, a transaction which is to be continued for a number of years, knowing fully well that the courts will not enforce that transaction and that a person dealing with him can not get back the money through a court of law, such a person, to say the least of it, is doing something that is quite wrong and opposed to all economic and moral principles. I cannot understand what business an individual has to enter into a transaction with another person who cannot enforce it in the courts of the country. There is no guarantee how long a person is going to live. It was urged here that some of these men are men of high character. Is there any guarantee for their existence for ten years or twenty years or even for ten minnutes? I ask what guarantee is there that such men will all be honest. Is it not making ignorant and greedy and gullible people, as the Law Member would have it, enter into such transactions? Such men are put forward as men of high character. I think character should not be allowed to come in as a consideration while passing a legislation like this. I think it is all rotten. We are not very much concerned with the character of these men at all. That does not come into this legislation. We want to end all these kurichitties. If these chitties are bad for tomorrow, I ask are they not bad for today. Did the law sanction it for a moment? These men started them knowing fully well that the courts would not recognise them. Under these circumstances, I am positive that there is absolutely no justification for a legislature like this countenancing these transactions.

It is asked, after all, what is the harm. Let us analyse that. A subscriber pays 7 chs. or 14 chs. in the expectation of getting five thousand or ten thousand rupees. Should not that be prevented? For the pure purpose of preventing people from speculating in this matter, I must strongly support the Law Member. No man has any right to stand on pure chances, pure gambling, in the hope of making ten thousand rupees. For no services rendered, a man pays seven chackrams and expects to get ten thousand rupees. My friends ask, should not the man be allowed to get back the 7 chs; should the foreman be prevented from paying back seven chackrams. If the formen that my friends have in view are men of high charactor, the law does not prevent them from returning the money.

MR. M. GOVINDAN (*Nominated*): How can they return the money?

MR. A. THANU PILLAI (*Trivandrum*): The foremen can send it by anchal or by messenger or he may himself take it.

MR. M. GOVINDAN (*Nominated*): We are only providing for that in the law.

MR. A. THANU PILLAI (*Trivandrum*): But the courts never recognise that. It is a void concern. The existing law does not countenance it. The spirit which is actuating these people is not proper.

MR. M. GOVINDAN (*Nominated*): May I know whether he will be agreeable to making all void contracts penal?

MR. A. THANU PILLAI (*Trivandrum*): All void contracts need not be made punishable. This is not an instance like that.

MR. M. GOVINDAN (*Nominated*): Just one question more. Is this a void contract involving any moral turpitude?

MR. A. THANU PILLAI (*Trivandrum*): It does involve moral turpitude. It is not like a minor who has entered into a contract which may be void. Here a man fully knows the circumstances and enters into a transaction and gets money belonging to other people, who, he knows will not be able to get it back through a court of law.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is my friend a director in the Kerala Kalamandalam Kurichitty?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. Personal questions cannot be asked.

MR. A. THANU PILLAI (*Trivandrum*): I have not subscribed to anything immoral.

DEPUTY PRESIDENT: Such questions should not be asked.

MR. A. THANU PILLAI (*Trivandrum*): I have no objection in answering that.

All void transactions may not be punishable. But that is no reason why this should not be made punishable. I explained at length the nature of this transaction. We want to get rid of these kurichitties in our State. We know, as a matter of fact, that things have gone to such an extreme length that the legislature has to intervene and effectively intervene. There are any number of kurichitties and every fellow is building up hopes on the chance of making ten thousand rupees by paying 7 chs. People are getting corrupted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the member will advocate legislation for carrying out all the ten commandments?

MR. A. THANU PILLAI (*Trivandrum*): When a bill is introduced, I shall consider that.

As for the return of the money, I do not at all feel that there is any difficulty for the foremen to return the money. By this legislation only the drawing is not allowed. A man who has paid cannot get ten thousand rupees. But the foreman will be able to return the

money if he is willing. No court will punish a man who returns money. There is absolutely no difficulty. My friend, Mr. Asan, need not have any difficulty in regard to that.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Can the return be claimed as a matter of right?

MR. A. THANU PILLAI (*Trivandrum*). He cannot claim it to-day. If he can claim it to-day he can claim it hereafter also. If he cannot claim it to-day he cannot claim it hereafter also.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is hope a burden?

MR. A. THANU PILLAI (*Trivandrum*): It is certainly a burden. When lots are being drawn you will be hoping that your name will appear and you will become rich. Suppose on the 31st Kumbhom a kurichitty is drawn. You are anxiously waiting for a telegram which never comes to you and then hope becomes a burden. When no telegram comes to you, then you may become hopeless. Probably this was the last chance in life for the man to become rich. And when he does not get the lot, he becomes desperate.

The suggestion of Mr. Neelakanta Pillai is not as chimerical as people would have it. People may not be able to pay back these amounts. If these foremen who have received 7 chs. were to return all these 7 chs, we shall have to open more Anchal Offices. After all, what does this greedy man lose? There is absolutely no harm in allowing the money to remain in the foreman's hands. If the chitty continues he will be making Rs, 20,000. If it is stopped, he will be losing only 7 chs. What harm is there? In the case of good people, let them have enough money in their hands for useful purposes. There is no loss of honour. For instance, if a kurichitty foreman gets a large amount he may utilise it for good purposes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What guarantee is there that he will use it for good purposes?

MR. A. THANU PILLAI (*Trivandrum*): His honour is the guarantee. He may send it to the Mahilamandiram or institution for the disabled at Vallakadavu or he may send it to the Friend-in-need Society. There are institutions like that which are in want of funds. If it is not possible to give the money to those institutions, then the State steps in. Whenever a man is in possession of public money, the State will be the custodian. If large amounts remain in the hands of these foremen who want to disburden themselves of these sums, let them pay that to the Treasury. Mr. R. Nilakanta Pillai has given us a safe security. What is the difficulty in that? I am emphatically against this amendment. I am for the clause as it is in the original bill.

MR. P. S. MAHOMED (*Nominated*): സർ, മി: താണുപിള്ളയുടെ പ്രസംഗത്തിൽ നിന്നും നാലണയോ ഒരു രൂപയോ ഏതെങ്കിലും ഒരു തുക കുറിച്ചിട്ടികാർക്കു കൊടുത്തിട്ടുണ്ടെന്നുവരികിൽ ഒരു വലിയ സംഖ്യകിട്ടു

[Mr. P. S. Mahomed.]

മെന്ന ആഗ്രഹം ഉള്ളതുകൊണ്ടു മാത്രം ആ തുക കൊടുക്കുന്നുവെന്നുള്ളതിനാൽ അതൊരിക്കലും അനുവദിക്കുവാൻ പാടില്ലെന്നും അങ്ങനെ കൊടുത്തിട്ടുള്ളവർ ആ തുക സഹിക്കതന്നെ ചെയ്യണമെന്നും മററു യാതൊരു സൗകര്യങ്ങളും ചെയ്തു കൊടുക്കേണ്ട ആവശ്യമില്ലെന്നും എനിക്കു മനസ്സിലാക്കാൻ കഴിഞ്ഞു. എന്നാൽ അതേ സമയം തന്നെ എനിക്കു പറയുവാനുള്ളതെന്താണെന്നു വച്ചാൽ തിരുവിതാംകൂറിൽ ലാട്ടറിയെ സംബന്ധിച്ചിടത്തോളം നിരോധിച്ചിരിക്കുകയാണെന്നു വരികിലും അത്തരം ലാട്ടറികൾ ഇവിടെ വരാൻ അവകാശമില്ലെങ്കിലും അതിൽ ഉൾപ്പെടണമെന്നാഗ്രഹിക്കുന്ന ആളുകൾക്കു ലക്ഷക്കണക്കായി വെളിയിൽ നടത്തുന്ന ലാട്ടറികളിൽ ചേരുന്നതിനു സൗകര്യപ്പെട്ടു കൊണ്ടാണിരിക്കുന്നതു്. അതിനാൽ ഒരു ചെറിയ സംഖ്യ കൊടുക്കുകയാണെന്നു വരികിൽ-വിശ്വാസമുള്ള ആളുകളുടെ കയ്യിലേല്പിച്ചിട്ടുണ്ടെന്നു വരികിൽ ഈ തിരുവിതാംകൂറിൽ മാത്രം ആ പണം അവക്കു തിരിയെ കിട്ടാൻ പാടില്ല എന്നുള്ള മനഃസ്ഥിതിയോടുകൂടി നാം പ്രവത്തിക്കണമെന്നു വിചാരിക്കുന്നതു ശരിയല്ല. ഈ ചിട്ടി നിയമവിരുദ്ധമാണെന്നു പറഞ്ഞിരുന്നെങ്കിൽ ആരും തന്നെ ഇവിടെ കുറിച്ചിട്ടി തുടങ്ങുകയില്ലായിരുന്നു. അങ്ങനെ ചെയ്യാതിരിക്കുവാനുള്ള സൗകര്യം കൊടുക്കാഞ്ഞതു് ഇവിടെ കുറിച്ചിട്ടി തുടങ്ങിയ ആരേയും തന്നെ ശിക്ഷിക്കാതിരുന്നിട്ടുള്ളതുകൊണ്ടാണ്. വാസ്തവത്തിൽ നിയമസാധുത്വമില്ലാത്ത ഈ ഒരിടപാടു നടത്തുവാൻ ഗവമ്മെൻറധികം കാലമായി സൗകര്യപ്പെടുത്തി കൊടുക്കുകയും അതിൻെറ ഗുണാനുഭാവത്തെ വിനിയോഗിച്ചുകൊണ്ടും വേറെ എതെങ്കിലും ഗുണത്തെ ആശ്രയിച്ചുകൊണ്ടും ചിലർ, ധമ്മബോധമുള്ള ആളുകൾ, വല്ല പൊതുസ്ഥാപനങ്ങൾക്കും മററു ധർമ്മാലയങ്ങൾക്കും ഇതുകൊണ്ടു പ്രയോജനമുണ്ടാകട്ടെ എന്നുള്ള ധർമ്മബോധത്തോടുകൂടി മുമ്പോട്ടു വരുകയും ആ അവസരത്തിൽ ഇവിടുത്തെ ഗവർമ്മെൻറു് അവരെ ശിക്ഷിക്കാതിരിക്കുകയും ചെയ്തതിനാൽ ആ ആളുകളെ വിശ്വസിച്ചു വെളിയിൽ പോകേണ്ടതായ സംഖ്യകൾ അവരെ ഏല്പിച്ചു എന്നുവേണം വിചാരിക്കുവാൻ. ഇപ്രകാരം സംഖ്യകൾ ഏല്പിച്ചു കഴിഞ്ഞതിനുശേഷം ഇങ്ങനെ ഒരു റഗുലേഷൻ കൊണ്ടുവന്നു പാസ്സാക്കുന്നതായാൽ വാസ്തവത്തിൽ മുന്നറിവു കൊടുക്കാതെ തന്നെ അവരെ ഉപദ്രവിക്കുകയായിരിക്കും. ഈ സംഖ്യ തന്നെ അവർ ഇവിടെ കൊടുക്കാതെ വെളിയിലാണു കൊടുക്കുന്നതെങ്കിൽ ഈ ഉപദ്രവം അവക്കു വരുകയില്ലായിരുന്നു. നിയമ വിരുദ്ധമായ കരാർ (Void contract) എന്ന

നിലക്കുള്ള സംഗതികൾ ഇവിടെ നടത്തിയാൽ അങ്ങനെ ചെയ്യുന്ന ആളുകളെ ശിക്ഷിക്കുന്നതാണെന്നു പറയാതിരുന്ന ആളുകളുടെ കുററമാണ് ഇവിടെ ഇത്രയധികം കുറിച്ചിട്ടികൾ നടത്തുവാൻ കാരണമായതു. ഇപ്പോൾ പണം കൊടുത്തിട്ടുള്ളവരും ആ പണം കൈവശം വച്ചുകൊണ്ടിരിക്കുന്നവരുമായ ആളുകൾക്ക് ആ പണം കൊടുക്കുന്നതിനും വാങ്ങുന്നതിനുമുള്ള സൗകര്യങ്ങൾ കൂടി കൊടുക്കേണ്ടതത്യാവശ്യമാകുന്നു. അതേ സമയത്തുതന്നെ ഉത്തരവാദിത്വമില്ലാതെ പൊതുജനങ്ങളുടെ മുതൽ അപഹരിക്കണമെന്നുള്ള വിചാരത്തോടുകൂടി വല്ലവരും പ്രവർത്തിക്കുന്നുണ്ടെങ്കിൽ അതിനെ തടയേണ്ടതുമാണ്. കുറിച്ചിട്ടികൾക്കായി ഇവിടെ മേലാൽ ഒരു കാശുപോലും പിരിക്കുവാൻ പാടില്ല എന്നുള്ള ഒരു നിർബ്ബന്ധം ഇവിടെ എല്ലാ മെമ്പറന്മാർക്കും സ്വീകാര്യമായിട്ടുണ്ടെന്നാണ് എനിക്കു കാണുവാൻ കഴിഞ്ഞിട്ടുള്ളതു്. നമ്മൾ ഈ ബിൽ പാസ്സാക്കി കഴിഞ്ഞാൽ ആ ഉദ്ദേശം സാധിച്ചുകഴിഞ്ഞു. മേലാൽ ജനങ്ങളെ വഞ്ചിക്കാൻ ആരും ഒരുമ്പെടാതിരിക്കണമെന്നുള്ളതാണല്ലോ നമ്മുടെ ഉദ്ദേശം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഇതിനു മുമ്പു കുറിച്ചിട്ടി പ്രവർത്തകന്മാരിൽ വല്ലവരും വല്ല വഞ്ചനയും ചെയ്തിട്ടുണ്ടെങ്കിൽ അതു ശരിയാണോ?

MR. P. S. MAHOMED (*Nominated*) : അതു വഞ്ചനയല്ല എന്നാണു ഞാൻ പറയുന്നതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : ഞാൻ മുമ്പു പറഞ്ഞതുപോലെ ജനങ്ങൾ വല്ല ധർമ്മസ്ഥാപനങ്ങൾക്കുവേണ്ടിയോ അല്ലെങ്കിൽ മററു വല്ല പൊതുകാര്യങ്ങൾക്കു വേണ്ടിയോ കുറിച്ചിട്ടികൾ നടത്തണമെന്നുദ്ദേശിക്കുകയും അതു നിയമവിരുദ്ധമാണെന്നു കരുതാതിരിക്കുകയും ചെയ്തുകൊണ്ടു് ആ പ്രകാരം പ്രവർത്തിച്ചിട്ടുള്ളതിനാൽ അതൊരിക്കലും ഒരു ചീത്ത വിചാരത്തോടുകൂടി ചെയ്തതാണെന്നു വിചാരിക്കാൻ പാടില്ല. ഇവിടെയുള്ളവരിൽ വളരെ ഉന്നതസ്ഥാനത്തിലിരിക്കുന്നവർപോലും ഇതിൽ ഭാഗഭാക്കായിട്ടുണ്ടു്. വളരെ യോഗ്യന്മാർ കൂടിയും, ഈ ഹൗസിലുള്ള പല മെമ്പറന്മാർ പോലും അതിലേക്കു പണം കൊടുക്കാതിരുന്നിട്ടില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : കുറിച്ചിട്ടികൾ ഏർപ്പെടുത്തിട്ടുള്ളതെല്ലാം പൊതുസ്ഥാപനങ്ങൾക്കുവേണ്ടിത്തന്നെയാണോ?

MR. P. S. MAHOMED (*Nominated*) ; അധികവും അങ്ങനെ തന്നെയാണ്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : അതുകൊണ്ടു മേലാലും പൊതുസ്ഥാപനങ്ങൾക്കുവേണ്ടി കുറിച്ചിട്ടികൾ നടത്തികൊണ്ടുപോകുവാൻ അനുവദിക്കേണ്ടതാണെന്നു മെമ്പർ വിചാരിക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : അതനുവദിച്ചു കൊടുത്താൽ വളരെ ദോഷം വരുന്നുണ്ടെന്നു നാം അറിഞ്ഞതുകൊണ്ടു മേലാൽ അതു വേണ്ട എന്നു വയ്ക്കുകയാണു നല്ലതു്.

MR. K. P. MADHAVAN PILLAI (*Shertallai*); ഇപ്പോൾ നിലവിലിരിക്കുന്ന നിയമപ്രകാരം ഇതൊരു നിയമസാധുത്വമില്ലാത്ത കരാറായതുകൊണ്ടു് (Void Contract) അതു നടത്തുവാൻ അനുവദിച്ചു കൊടുത്തിട്ടില്ലല്ലോ ?

MR. P. S. MAHOMED (*Nominated*) ; ഇന്നു ഹൈക്കോടതികൂടി സമ്മതിച്ചു കൊടുത്തിരിക്കുന്നു. എന്നാൽ മേലാൽ നാം അതിനനുവദിച്ചുകൂടാ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഹൈക്കോടതി അങ്ങനെ അഭിപ്രായപ്പെട്ടിട്ടില്ല.

MR. P. S. MAHOMED (*Nominated*) : ഇതിനു നിയമ സാധുത്വമില്ലെന്നു ഹൈക്കോടതി പറഞ്ഞിട്ടില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : അവർ അതു ലാട്ടറിയല്ല എന്നു മാത്രമേ പറഞ്ഞിട്ടുള്ളു.

MR. P. S. MAHOMED (*Nominated*) : അവർ ലാട്ടറിയല്ല എന്നു പറഞ്ഞതല്ലാതെ ഇതിലേപ്പെട്ടവരിൽ ആരെയെങ്കിലും ശിക്ഷിക്കണമെന്നഭിപ്രായപ്പെടുകയോ ശിക്ഷിക്കുകയോ ചെയ്തിട്ടില്ല. അതിനാൽ ഈ സംഗതിക്കു മേലാൽ പണം തിരിയെ കൊടുക്കുന്നതുവരെ ശിക്ഷിക്കരുതെന്നു മാത്രമേ എനിക്കഭിപ്രായമുള്ളു. ഇന്നു തലയാളന്മാരുടെ കൈവശമിരിക്കുന്നതായ പണം അവരെന്തു ചെയ്യണം? തിരിയെ ഏല്പിക്കുവാൻ അവരെ അനുവദിക്കുകയാണു നാം ചെയ്യേണ്ടതു്.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : തലയാളൻ ഉദ്ദേശിച്ചു തുക പിരിക്കാൻ സാധിച്ചില്ലെങ്കിൽ ഉദ്ദേശിച്ചതുപോലെ കൊടുക്കുവാൻ സാധിക്കുകയില്ലല്ലോ?

MR. P. S. MHOMED (*Nominated*) : ഇല്ല.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): ഇതിനു മുമ്പു കുറിച്ചിട്ടി ശിക്ഷാർഹമായിരുന്നില്ലെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): അതേ! ഈ ബില്ലു പാസ്സായാൽ പിന്നെ അതിലുൾപ്പെട്ട സാധുക്കൾക്കു് ഒന്നും ലഭിക്കാതെ വരുവാനിടയുണ്ടു്.

MR. K. GEORGE (*Chief Secretary to Government*): ഏതു സാധുക്കാക്കു പണം കൊടുക്കണമെന്നാണു പറയുന്നതു്? പണം കൊടുത്തവക്കാണോ?

MR. P. S. MAHOMED (*Nominated*): ആരു പണം കൊടുത്തു രസീതു വാങ്ങിച്ചിട്ടുണ്ടോ അവക്ക്.

MR. K. GEORGE (*Chief Secretary to Government*): നാലോ അഞ്ചോ പേക്കു കൊടുത്താൽ മതിയോ?

MR. P. S. MAHOMED (*Nominated*): അമ്പതിനായിരം പേക്കു കൊടുക്കുന്നതിനും സൗകൎയ്യം കിട്ടും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പണം എല്ലാവക്കും കൊടുക്കുന്നതിനു സൗകൎയ്യം കിട്ടുമെന്നാണോ മെമ്പർ അഭിപ്രായപ്പെടുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): എല്ലാവക്കും പണം കൊടുക്കാൻ കഴിയും, ഇങ്ങനെയായാൽ അതിനുള്ള സൗകൎയ്യം അവക്കുണ്ടാകുമെന്നു തന്നെയാണു ഞാൻ വിചാരിക്കുന്നതു്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): അങ്ങനെ ചെയ്യില്ലെങ്കിൽ അതു ലാട്ടറിയാകുകയില്ലയോ?

MR. P. S. MAHOMED (*Nominated*): അപ്രകാരം ചെയ്തില്ലെങ്കിൽ, പണം തിരിയെ ഏല്പിക്കുവാനുള്ള സൗകൎയ്യംകൂടി അവക്കു കൊടുത്തില്ലെങ്കിൽ അതു ലാട്ടറിയാകും, അതു ശിക്ഷാർഹമാകും. ഇപ്പോഠം ഈ ബില്ലു പാസ്സാകുകയാണെങ്കിൽ പണമവക്കു കൊടുക്കുവാൻ സാധിക്കുകയില്ല. മി. ആശാൻെറ ഭേദഗതി സ്വീകരിക്കുന്ന പക്ഷം മേലാൽ ഒരൊററ കാശുപോലും പൊതുജനങ്ങളുടെ അടുക്കൽനിന്നും പിരിക്കുവാനൊക്കുകയില്ല. ഇവിടെ ചില മെമ്പറന്മാർ അഭിപ്രായപ്പെട്ടതുപോലെ ഇതിൻെറ പ്രവൎത്തകന്മാരിൽ ചിലർ കള്ളന്മാരാകുകയാണെങ്കിൽ തന്നെയും ചിലക്കു പണം കിട്ടിയെന്നുവരാം. ചിലക്കു കിട്ടിയില്ലെന്നും വരാം. ഈ ബില്ലു പാസ്സായാൽ ആക്കും ഒരു കൊച്ചുകാശുപോലും കിട്ടുകയില്ല. തിരിയെ ചോദിക്കുവാൻ പാടുള്ളതുമല്ല.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ഇപ്പോഠം തലയാളന്മാരുടെ കൈവശം ഇരിക്കുന്ന പണംകൊണ്ടു വ്യവസ്ഥ അനുസരിച്ചു വീതിച്ചു കൊടുക്കാനൊക്കുകയില്ലേ?

MR. P. S. MAHOMED (*Nominated*): സാധിക്കുകയില്ല. അതിനുള്ള കാരണമെന്താണെന്നുവച്ചാൽ ഒരു വലിയ സംഖ്യ ചിലവോടുകൂടിയാണു് അവർ കുറിച്ചിട്ടികഠം നടത്തുന്നതു്. അതു കഴിച്ചു ബാക്കി വരുന്ന

[Mr. P. S. Mahomed.]

സംഖ്യ കൊണ്ടു് അവരുടെ വ്യവസ്ഥക്കനുസരിച്ചു് ഉടനടി കൊടുക്കുവാൻ സാധിക്കുമെന്നു തോന്നുന്നില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഈ ഭേദഗതി പാസ്സായാൽ ഇവർക്കെല്ലാം പണം കിട്ടുമോ?

MR. P. S. MAHOMED (*Nominated*) : ഒരു പക്ഷെ കിട്ടിയെന്നുവരാം.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അവർ ചിട്ടി നടത്തിയില്ലെങ്കിലോ?

MR. P. S. MAHOMED (*Nominated*) : ചിട്ടി അവർ നടത്തുന്നില്ലാത്ത പക്ഷം—

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ചിട്ടി അവർ നടത്താതിരിക്കുന്നപക്ഷം അതു നിയമസഭയിൽ അപ്രകാരമൊരു നിയമം പാസാക്കിയതു കൊണ്ടാണെന്നു പറയുകയില്ലല്ലൊ?

MR. P. S. MAHOMED (*Nominated*): ശരിതന്നെ : ഈ ബിൽ ഇതേ രൂപത്തിൽ പാസ്സാകുകയാണെങ്കിൽ ആർക്കും പണം കിട്ടുകയില്ലെന്നുള്ളതു കണിശം.

MR K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : പണം എല്ലാവർക്കും കൊടുക്കേണ്ടതാണെന്നു മെമ്പറിനഭിപ്രായമുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : കിട്ടണമെന്നാഗ്രഹമുള്ളവർക്കെല്ലാം കൊടുക്കണം.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : സംഭാവന (Subscribe) ചെയ്ത സംഖ്യമാത്രം തിരിയെ കൊടുത്താൽ മതിയെന്നുള്ള അഭിപ്രായമുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : അതു തന്നെ സാധിക്കുകയില്ല എന്നാണു ഞാൻ പറയുന്നതു്. സംഭാവനചെയ്തിട്ടുള്ള തുക തിരിയെ കൊടുക്കണമെങ്കിൽ അവർ പറയുന്നതനുസരിച്ചുള്ള സമയം കൊടുക്കണം.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : മേലാൽ ഒരു കാശു പോലും പിരിക്കാൻ പാടില്ല എന്നു പറയുമ്പോഴും ഉദ്ദേശിച്ചതുപോലെയുള്ള തുക കൊടുക്കുവാനൊക്കുമോ?

MR. P. S. MAHOMED (*Nominated*) : ഇപ്പോഴും ഉടനടി കൊടുക്കണമെന്നു പറഞ്ഞാൽ കൊടുക്കാനൊക്കുകയില്ല. എന്നാൽ അവർക്കു അവർ വ്യവസ്ഥ ചെയ്തിട്ടുള്ള സമയം കൊടുത്താൽ അവർ ഉദ്ദേശിച്ചതുപോലെയുള്ള തുക കൊടുക്കാൻ സാധിക്കുമെന്നാണു ഞാൻ പറയുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum*). ഇപ്പോൾ അവരുടെ കൈവശമിരുപ്പുള്ള സംഖ്യ വീതിച്ചു കൊടുത്താലെന്താണ്?

MR. P. S. MAHOMED (*Nominated*): അവരെ വിശ്വസിച്ചു പ്രവർത്തിച്ചതായ ആളുകൾക്ക് അവർ തന്നെ വാഗ്ദത്തം ചെയ്തിരിക്കുന്നതായ സംഖ്യ കൊടുക്കാതിരിക്കുന്നതു ശരിയായ മര്യാദയാകുകയില്ലല്ലൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പ്രാരംഭ ചിലവുകൾക്കായി ഒരു വലിയ സംഖ്യ ചിലവായതുകൊണ്ട് ഉദ്ദേശിച്ച തുക പിരിച്ചെടുത്തു കൊടുക്കണമെന്നാണോ മെമ്പർ പറയുന്നതു?

MR. P. S. MAHOMED (*Nominated*): പിരിക്കുകയേ വേണ്ട.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പിന്നെ എങ്ങനെയാണവർ പണം കൊടുക്കുന്നത്?

MR. P. S. MAHOMED (*Nominated*): അവരുടെ ആദായം കൊണ്ടു കൊടുക്കണമെന്നു മാത്രം.

MR. JOSEPH KUNJU (*Changanachery* cum *eermade*): അവർ ആഗ്രഹിക്കുന്ന സംഖ്യ അനുസരിച്ചു തന്നെ അവൎക്കു കൊടുക്കണമെന്നു പറഞ്ഞു. ഇനിയും പണം പിരിക്കുന്നില്ലെങ്കിൽ അവരാഗ്രഹിക്കുന്ന തുക കൊടുക്കാൻ കഴിയുമൊ?

MR. P. S. MAHOMED (*Nominated*): സാധിക്കും. അവർ വിചാരിക്കുന്ന സമയം അവൎക്കു ലഭിക്കുകയാണെങ്കിൽ ഒരു പിരിവു നടത്താതെ തന്നെ തലയാളന്മാരുടെ കൈവശമിപ്പോഴുള്ള പണത്തിന്റെ ആദായം കൊണ്ട് അവരുടെ ആഗ്രഹമനുസരിച്ചുള്ള തുക കൊടുക്കാം.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അത്ര വലിയ സമയം കാത്തിരിക്കാതെ ഇപ്പോൾ കൈവശമുള്ള തുക കൊടുത്താൽ എന്താണ്?

MR. P. S. MAHOMED (*Nominated*): അങ്ങനെ കൊടുത്താൽ ഓരോരുത്തൎക്കും കിട്ടുന്നതു വളരെ നികൃഷ്ടമായ ഒരു തുകയായിരിക്കും.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): ഇഷ്ടമുള്ള ആളുകൾക്കു തിരിയെ കൊടുക്കുന്നതിനു തടസ്സമുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): ഒന്നാമതു നാലണ തന്നെ തിരിയെ കൊടുക്കണമെന്നു നിർബന്ധിക്കുവാൻ പാടില്ലെന്നു ചിട്ടി വ്യവസ്ഥകളിൽ പറഞ്ഞിരിക്കും. ഒരു നിയമവിരുദ്ധമായ കരാറ് (Illegal Contract) റും പ്രകാരം ഈ പ്രവർത്തനത്തിൽ നിയമപരമായുള്ള നിർബന്ധവും വിഷമമായിരിക്കും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*). തിരുവിതാംകൂറിലെ കുറിച്ചിട്ടികളെല്ലാം ഒരേതരം വ്യവസ്ഥകളോടു കൂടിയതാണൊ?

MR. P. S. MAHOMED (*Nominated*): അല്ലായിരിക്കും. പിരിച്ചു കൈവശം വച്ചിട്ടുള്ള പണം ഏതു നിലയിലായാലും തിരിച്ചു കൊടുക്കുകയും വേണം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): പല വ്യവസ്ഥകളും ഉള്ള കുറിച്ചിട്ടികളുണ്ടെന്നു മെമ്പർ പറഞ്ഞുവല്ലൊ. അതിൽ ഏതു കുറിച്ചിട്ടിയെപ്പററിയാണ് ഇപ്പോൾ പറയുന്നതു?

MR. P. S. MAHOMED (*Nominated*): എല്ലാ ചിട്ടികളെപ്പററിയും എനിക്കുള്ള അഭിപ്രായം ഇതു തന്നെയാണ്.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): തിരുവിതാംകൂറിലുള്ള കുറിച്ചിട്ടികൾ എല്ലാം തന്നെ മിക്കവാറും ഒരേ വ്യവസ്ഥയോടുകൂടി നടത്തി വരുകയല്ലയൊ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): ഇപ്പോഴുള്ള ഏതെങ്കിലും കുറിച്ചിട്ടി എല്ലാവക്കും പണം കൊടുത്തു കൊണ്ടിരിക്കുന്നുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*): മാസംതോറും കുറെ ആളുകൾക്കു പണം കിട്ടിക്കൊണ്ടിരിക്കും.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): ഏതെങ്കിലും കുറിച്ചിട്ടിയിൽ ചേൎന്നിട്ടുള്ള സകല ആളുകൾക്കും ഇതിനുമുമ്പു പണം കൊടുത്തു തീൎത്തിട്ടുള്ളതായി അറിയാമൊ?

MR. P. S. MAHOMED (*Nominated*): അവർ നിർണ്ണയിച്ചിട്ടുള്ള സമയം തീൎന്നു കഴിഞ്ഞു എങ്കിൽ മാത്രമെ എല്ലാവക്കും പണം കൊടുത്തു തീൎക്കുവാൻ ഒക്കുകയുള്ളു. എന്നാൽ ഇപ്പോഴും പണം കൊടുത്തു കൊണ്ടിരിക്കുന്നുണ്ടു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): വല്ലവക്കും പണം കൊടുക്കാതിരിക്കുന്നതു മെമ്പർ കണ്ടിട്ടുണ്ടൊ?

MR. P. S. MAHOMED (*Nominated*): ഞാൻ കണ്ടിട്ടില്ല.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): അപ്പോൾ ഇതുവരെ കാലാവധി തീൎന്നിട്ടുള്ള ഒരു കുറിച്ചിട്ടിയും മെമ്പർ കണ്ടിട്ടില്ല. അല്ലേ?

MR. P. S. MAHOMED (*Nominated*): ഇല്ല.

MR. A. THANU PILLAI (*Trivandrum*): മെമ്പറിന്റെ അറിവിൽ പെട്ടിട്ടുള്ള കുറിച്ചിട്ടികളിൽ ഏററവും കൂടുതൽ കാലാവധി വച്ചിട്ടുള്ളതു എത്ര കൊല്ലമാണ്?

MR. P. S. MAHOMED (*Nominated*): ഏകദേശം പത്തു കൊല്ലംവരെ കാലാവധി വച്ചിട്ടുള്ള കുറിച്ചിട്ടികൾ ഞാൻ കണ്ടിട്ടുണ്ടു്.

MR. A. THANU PILLAI (*Trivandrum*): അതുവരെ ഇതിൻെറ തലയാൾ ജീവിച്ചിരിക്കുമോ എന്നുള്ള സംശയം ആളുകൾക്കു വരുകയില്ലയൊ?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnatiur*): മെമ്പറിൻെറ വിശ്വാസം മെമ്പർ എത്രകൊല്ലം ജീവിച്ചിരിക്കുമെന്നാണു്?

MR. P. S. MAHOMED (*Nominated*). ലോകത്തിലുള്ള മനുഷ്യരെല്ലാം ജീവിച്ചിരിക്കുമെന്നുള്ള വിശ്വാസത്തോടുകൂടി മാത്രമാണു് ഓരോ പ്രവൃത്തിയിൽ ചെന്നുൾപ്പെടുന്നതു്. മരണത്തെ സംബന്ധിച്ചിടത്തോളം മുൻകൂട്ടിയൊന്നും പറയാൻ പാടില്ലാത്തതുകൊണ്ടും ഇപ്പോൾ വാദപ്രതിവാദം അതിനെ ആശ്രയിച്ചിരിക്കാത്തതുകൊണ്ടും ഈ ചോദ്യത്തിനുത്തരമായി ഞാനൊന്നും പറയണമെന്നു വിചാരിക്കുന്നില്ല. ഞാൻ മി. ആശാൻെറ ഭേദഗതിയോടു പൂർണ്ണമായി യോജിച്ചുകൊള്ളുന്നു.

The Council adjourned for lunch at 2-3 P. M. and re-assembled at 2-46 P. M.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kart.kapalli*): From what I have heard, Sir, I fear the history of kurichitties in Travancore has not been completely understood by the members who opposed the amendment. Kurichitties have never been considered to be immoral or illegal here. Certain transactions resembling to some extent the kurichitties have been declared as lotteries by a ruling of the High Court reported in 18 T. L. R. When this Chitty Regulation was brought into existence this ruling of 18 T. L. R. and other case law on the point were considered. What the Government member who introduced the Chitty Regulation before the Council, has stated with regard to these kurichitties is this: he gives the reasons why these transactions were declared void in the Regulation. He does not say that they are illegal. There is some difference between an *illegal* transaction and a *void* transaction. What he says is

> "Is it possible to safeguard the interests of the subscriber by allowing such heavy sums to be in the hands of the foreman? Is there any guarantee that all the subscribers will be paid? Is not the amount of profit earned by the foreman out of all proportion to his trouble? If such classes of chitties are allowed to be legal would it not be offering a premium to drive a coach and four over the 18 T. L R. ruling I think that in the Chitties Regulation such chitties should be declared *void* though not ***illegal***."

So we must remember that at the time when the present Chitties Regulation was passed there was no idea on the part of the Government or the legislature to declare these chitties *illegal*. All that it said was that the courts of law would not enforce any claim arising out of them.

Mr. A. S. Damodaran Asan.]

My friend Mr. Thanu Pillai was saying that no honest man will enter into such transaction, because it cannot be enforced in a Court of Law.

MR. A. THANU PILLAI (*Trivandrum*): I am responsible only for the first half of the sentence.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, suppose I repay a debt barred by law.

MR. A. THANU PILLAI (*Trivandrum*): Does the member realise that that is not prohibited by law?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Kurichitties also have not been prohibited by law; only the law will not assist the parties

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) How long ago was the Chitties Regulation passed, Sir?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It was passed in 1094. Now several persons have started kurichitties. The agreement in these kurichitties is that the money would be paid with some interest. But the money cannot be realised through a court of law. It is only by mutual trust that these transactions are entered into. When many persons have subscribed to a chitty in their complete confidence in the foreman, why should the Legislature now step in and say that he should not be allowed to do so.

Sir, what is the object of the present Bill. Is it to prevent trafficing upon the credulity of the people? Is it to see that poor people are not deprived of their small savings? Is it on the technical ground that a void transaction should not be allowed to be conducted? Is it because all on a sudden, Government thought that the conducting of kurichitties is something like infanticide? I think, Sir, that the object of the mover is to see that cunning persons, who do not want to return the money collected, do not take full advantage of the illiteracy or credulity of poor people.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): How is the distinction to be made?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not understand the question.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): How are we to legislate specially for dishonest individuals? How is it possible to pick out dishonest men from among the foremen?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): We are legislating for all alike. If all are honest there is no need for any legislation. It is presumed that there are some who will not keep their promises. It is for them that we have enactments and courts to enforce them.

Sir, when I asked the Law Member why he insisted upon prohibiting the conduct of all future chitties, he said that that was because there was Section 4 which declared them void. The law is strict; we must follow it. Sir, the object of a new legislation is to rectify

mistakes in the law in force, or when there is much of divergence of opinion in the Courts' interpretation of the law in force, or when the law has ceased to suit the conditions of the country. Now what is the position in the present instance? Does the Law Member think that the number of kurichitties in the State has increased to such an extent that it is causing much annoyance to the public at large and that it is enabling a few deserving and intelligent men to exploit the credulity of the people or does he want the majority of law to be maintained by enacting this measure? Is it the Law Member's contention that at the time Section 4 was enacted the Legislature made this provision by oversight? Does he question the fact that at the time the present Regulation was enacted, the Legislature was fully alive to the implications of the provisions? I should think, Sir, that we give full credit to the Legislature for having enacted all that it intended. The only point of the Law Member seems to be that a number of these chitties have been started and that they are being worked against the interests of the general public. Sir, how are we to protect the interests of the people?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is the member aware of any volume of public opinion against these kurichitties?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Otherwise why should the Government bring in such a Bill?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The member is a responsible citizen of Travancore. Is he aware of any volume of public opinion urging for such a piece of legislation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Such intensity of feeling in the matter has not been brought to my notice.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Has it been brought to the notice of the member that even breach of peace has occured at some of these kurichitties when lots were being drawn?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am not aware.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is the member aware that at Venniode near Warkala...........

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can questions be asked to give information?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have not heard of any such incident.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For what purpose does the member say the public must agitate?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): For enacting such a measure.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Does the member know that a resolution to declare kurichitties illegal was tabled by me?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Government anticipated that and brought in this Bill, perhaps?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does not a resolution by a member of this House reflect any opinion ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In this particular instance, I do not know whether the resolution reflects the opinion of the Government or of the people.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : To a certain extent it must be considered to represent public opinion.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Certainly; I did not say that it must be discredited. My point is this. If the object of the Government is to prevent a few scheming gentlemen from defrauding thousands of illiterate people of their small savings and making huge profits for themselves, then my amendment would serve the purpose. It prohibits future starting of such chitties. But when the foremen have already collected and are in possession of large sums of money, when they are prepared to disburse them according to the original agreement, should the legislature interfere and say that they should not do it ?

That is my question. Many questions were asked as to why these people should not be allowed to return the amount they have received. Well Sir, that is not practicable. As already stated here a considerable part of the money might have been spent for collecting the money and defraying preliminary expenses. A sum of 4 annas or eight annas might have been collected from hundred thousands of people. After meeting the preliminary expenses, is it a practicable proposition to ask the foreman to return all the money he has collected on one day. It is like asking him to return the money such as four annas and eight annas by money order including the commission. Without $1\frac{1}{2}$ to $3\frac{1}{2}$ chuckrams for multiples of Rs. 5 and below no money could be transferred from one part of the country to another. It is certainly unfair and unreasonable to ask the foreman to return the amount after deducting the amount he might have incurred for collecting the money from the different subscribers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is it possible for him to find out the actual balance and return them ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Under some calculation it will not be difficult for him to return the amount to subscribers who hoped to get it. My point is this.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I ask one question ? Is the difficulty in ascertaining the amount or finding out the men ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): think there is no difficulty in finding the amount, and returning them o the subscribers concerned. The only thing is if there are a thousand men yet to be paid, the balance of the amount may be permitted to be disbursed in the course of ten years.

MR. A. THANU PILLAI (*Trivandram*) : What is the difficulty if the mount is paid back I don't understand ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): There is some calculation here and I will read it for the information of the member.

MR. A. THANU PILLAI (*Trivandrum*): I do not want the member to quote decisions.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I will read only the calculation.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Is it a calculation based on speculation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is only a calculation.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): May I know, will not the amount paid accrue with interest?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): If so, why not pay the amount deducting interest?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Foremen should be given some time to disburse the amount.

MR. A. THANU PILLAI (*Trivandrum*): Why not he pay the amount now available without any interest? Could he not pay the principal amount at least?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That will be only a very small amount.

Is it a crime on the part of any person to see that the foreman fulfils the contract he has entered into with a large number of persons? Why do you intervene in the contract he has entered into and carrying it out, and why should the Legislature say "Don't do it, we will come and settle it"?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Does Mr. Asan's amendment prohibit future collections?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): How will the contract be enforced then?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Prizes given will be in proportion to the amount collected.

In view of the fact that these people have not been conducting an immoral or illegal trade, and in view of the fact that large number of people have taken tickets in the belief that the foremen will carry out his duties properly, I suggest that it is not proper for the Legislature to say that they should not carry out the contract.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Even if the Bill, as it is, is passed is there anything which prohibits the disbursing of the amount?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That has been answered a hundred times.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): According to the contract there is some arrangement to disburse the amount covering over so many years.

DEPUTY PRESIDENT: I think that question has been answere d.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The strongest case made against my amendment is that it does not make any provision to enable the subscribers to realise the amount they have paid to the foreman. That appears to be the strongest condemnation levelled against my amendment. If so the Law Member's amendment also is open to the same condemnation. My suggestion is that the subscribers knew that they could not enforce payment back from the foreman through a court of law. It is not done with that view either. The parties enter into contracts with the full belief of trusting one another. The object of my amendment is to see that this is not perpetuated and that the kurichitties do not come into existence in future. I think there is no difficulty in accepting that amendment.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does the member suggest any provision for the return of the amount to the subscribers?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): When that amendment is moved, I will hear the rest of the members on that point and then say as I like.

I have one more suggestion to make. In the earlier clause it is stated 'any person who will hereafter conduct any transaction of the nature of those declared void by Section 4..............', that is how the amendment begins. My amendment is to substitute "transactions declared void by Section 4".

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): With your present amendment, how will the section read?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): 'Any person who conducts or is responsible for the conduct of any transaction of the nature of those declared void by Section 4............" I want to suggest the addition of two words only *viz.*, "of the nature". If there is no objection I shall add those words. I think, in order to make the sense complete, the addition of those words is necessary.

DEPUTY PRESIDENT: If it is only a verbal amendment it is alright.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is not exactly verbal. Transactions of the nature of those declared void—that is comprehensive.

DEPUTY PRESIDENT; It is only a verbal alteration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It widens the scope though verbal.

DEPUTY PRESIDENT: Alright you may move with the alteration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Substitute "transactions of the nature of those declared void" instead of "transactions declared void".

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it open to discuss the amendment with the addition now proposed?

DEPUTY PRESIDENT: It does not in any way enlarge the principle of the amendment originally moved by Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have nothing more to say on my amendment I press my amendment to a division.

DEPUTY PRESIDENT: Have you anything to say about your amendment Mr. Nilakanta Pillai?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Many of the members got surprised when I moved such an amendment. It is a surprise to me also that very many members who expressed their surprise were not aware of similar provisions in law. Prabably they forgot there is nothing like escheat to Government when a property is left without ownership. Here the question is subscribers cannot enforce the foreman who says that he is prevented by law from paying the amount. The foreman on account of the moral responsibility involved on him does not want the amount to be kept with him. In such a contingency instead of the money being thrown into the Arabian sea, it is better to be in the hands of the Government.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I think the member will be satisfied if the money is thrown into the sea.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Better leave the member to himself. Why should his opinions be thrust upon me?

DEPUTY PRESIDENT: Members must address the Chair.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Since I thought that the House was labouring under a superhuman difficulty in finding out a way for the money with the foreman, I suggest it is better Government take over the money because it is an ownerless property. There is nothing astounding in my proposition. The Government may utilise the amount for the benefits of the people at large. If the members have no objection, I have nothing more to say on the amendment. I once again repeat that if the money remains with Government it will only be for the benefit of the country. I am tired on account of the neverending discussions.

DEPUTY PRESIDENT: As Mr. Krishna Pillai is not present and as his amendment before the House is accepted by Mr. Asan I put the amendment of Mr. Asan for the vote of the House. If it is the sense of the House that Mr. Krishna Pillai's amendment should be put to vote, I shall do so. The sense of the House was for putting the amendment of Mr. Asan to vote.

Mr. Asan's amendment is to the following effect.

For Section 53 substitute the following:

"Any person who, hereafter starts or conducts any transaction of the nature of those declared void by Section 4 and any person who collects or solicits any money for any such transaction shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both."

Those who are in favour of the amendment, please raise their hands.

The amendment was declared lost.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I demand a poll.

A poll was taken with the following result,

AYES 7.

1. Mr. K. Gopalakrishna Pillai
2. „ A. S. Damodaran Asan
3. „ K. C. Kocheeppan Mappillai
4. Mr. E. V. Krishna Pillai
5. „ M. N. Narayana Menon
6. „ P. S. Mahomed
7. „ K. Kunjukrishna Pillai.

NOES—21.

1. Mr. K. P. Abraham
2. „ S. Chattanatha Karayalar
3. „ K. P. Kochukora Tarakan
4. „ K. Krishnan Nayar
5. „ M. Mahomed Mustapha
6. „ K. P. Nilakanta Pillai
7. „ K. P. Madhavan Pillai
8. „ R. S. Subrahmanya Pillai
9 „ N. A. Sundaram Pillai
10. „ A. Thanu Pillai
11. „ K. George
12. Mr. A. Kumara Pillai
13. „ C. N. Srirenganatha Sastri
14. „ R. Nilakanta Pillai
15. „ Kayalam Paramesvaran Pillai
16. „ B. Narayana Pillai
17. „ R. Dhanukoti Pillai
18. „ S. C. H. Robinson
19. Rao Sahib Dr. N. Kunjan Pillai
20. Mr. J. S. Westerdale
21. „ C. O. Madhavan.

NEUTRALS—3.

1. Mr. Joseph Kunju
2. „ K. C. Chandi
3. Mr. M. P. Madhavan Pillai.

The amendment was declared lost, 7 voting *for* the amendment, 21 *against* and 3 remaining *neutral*.

DEPUTY PRESIDENT : Mr. K. P. Nilakanta Pillai, do you press your amendment ?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : I do not press my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I have an amendment to move. In clause 53, line 2, insert after the word "transaction" the words " of the nature of those".

The House has accepted the principle underlying Section 53. For this amendment I have practically borrowed the terminology used by Mr. Krishna Pillai and by Mr. Asan.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

DEPUTY PRESIDENT : I take it that the motion is carried. I put it that clause 53 as amended do stand part of the Bill.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : I oppose it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I oppose it ?

The clause was put to vote and declared carried, 26 voting *for* and 2 voting *against*.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I demand a poll.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I demand a poll.

A poll was taken and the House divided as follows :

AYES—26.

1. Mr. Joseph Kunju
2. „ K. P. Abraham
3. „ K. C. Chandy
4. „ S. Chattanatha Karayalar
5. „ A. S. Damodaran Asan
6. „ K. Gopalakrishna Pillai
7. „ K. Krishnan Nair
8. „ M. N. Narayana Menon
9. „ M. Mahomed Mustapha
10. „ K. P. Nilakanta Pillai
11. „ N. A. Sundaram Pillai
12. „ K. P. Madhavan Pillai
13. „ M. P. Madhavan Pillai
14. „ R. S. Subrahmanya Pillai
15. Mr. A. Thanu Pillai
16. „ K. George
17. „ A. Kumara Pillai
18. „ C. N. Srirenganatha Sastri
19. „ R. Nilakanta Pillai
20. „ Kayalam Paramesvaran Pillai
21. „ B. Narayana Pillai
22. „ R. Dhanukoti Pillai
23. „ S. C. H. Robinson
24. Rao Sahib Dr. N. Kunjan Pillai
25. Mr. J. S. Westerdale
26. „ C. O. Madhavan,

NOES—2.

1. Mr. K. Kunjukrishna Pillai
2. Mr. E. V. Krishna Pillai.

NEUTRALS—3.

1. Mr. K. P. Kochukora Tarakan
2. „ P. S. Mahomed
3. Mr. K. C. Kocheeppan Mappillai.

The question that clause 53 as amended do form part of the Bill was declared carried 26 voting *for*, 2 *against* and 3 remaining *neutral*.

The clause was added to the Bill.

The question that the Preamble do stand part of the Bill was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now make the motion that the Bill as settled by the Council be taken up on a subsequent day and passed. It is to be moved for the third reading tomorrow.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The motion was put and carried.

DEPUTY PRESIDENT: We will now adjourn and meet tomorrow at 8 o'clock.

The House adjourned at 3-20 P. M. to meet at 8 A. M. the next day.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

FIRST SESSION OF 1108.

(OFFICIAL REPORT.)

Thursday, the 22nd December, 1932/8th Dhanu, 1108.

The Council met in the Victoria Jubilee Town Hall at eight two of the clock, the Deputy President presiding.

QUESTIONS AND ANSWERS.

Award of grants for water-supply schemes in municipal areas.

114. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram cum Shencotta*): Will the Government be pleased to state:

(a) whether they have laid down any policy in regard to the making of grants for water-supply schemes in municipal areas; and

(b) if not, whether they propose to lay down a policy in this respect?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(a) Government have not laid down any definite policy in the matter.

(b) There is no need to do this just now, as applications for introduction of water-supply schemes have so far been received only from the Alleppey and Nagercoil Municipalities, and in their case Government have undertaken to bear a moiety of the cost of investigation of the schemes.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram cum Shencotta*): Are the Government aware that the Government of Madras have laid down a definite policy in regard to the financing of water-supply schemes in municipal area? Will they enquire into it?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government will enquire.

Construction of a second pier at Alleppey.

115. **MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram cum Shencotta*): Will the Government be pleased to state:

(a) whether a portion of the pier at Alleppey has been rendered useless for handling cargo for export and import purposes, by the formation of mudbanks along the coast;

(b) whether they have taken any steps towards remedying this state of affairs; and

(c) whether they contemplate constructing a second pier?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(a) A portion of the pier has become useless due to sand accretion, and not on account of the formation of mudbanks.

(b) Yes.

(c) The question is under consideration.

G. P. T. 1923. 300, 17-12- 1108.

Petition re the lane branching from Rajakkamangalam-Colachel road and leading to Tekkukurichi.

116. **MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether they have received a petition from the people of Tekkukurichi in Neendakara B. Division, about a *Poramboke* lane branching from the Rajakkamangalam-Colachel road and leading to Tekkukurichi;

(*b*) whether it is 3 furlongs in length;

(*c*) its breadth;

(*d*) whether the private owners on either side of the lane have made encroachments;

(*e*) whether in one place the lane is completely blocked;

(*f*) whether the people urged for a local inspection; and

(*g*) if the answer to part (*f*) is in the affirmative, the action taken by the Government thereon?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*):

(*a*) The Land Revenue and Income-Tax Commissioner received a petition on 16-11-1932 from Sivanadiyan Nadar Ammayadian Nadar and others of Tekkukurchi about certain encroachments on a *poramboke* lane branching from Rajakkamangalam-Colachel road and leading to Tekkukurichi.

(*b*) No, it is only about two furlongs in length.

(*c*) The lane is not of uniform width.

(*d*) Yes, some private owners on either side of the lane have made encroachments.

(*e*) It is reported that the lane has been blocked a little in survey No. 13,559.

(*f*) In the petition referred to in the answer to part (*a*), they urge for a local inspection.

(*g*) The Tahsildar has orders to inspect the lane and to take steps for the immediate removal of the encroachments under the provisions of the Land Conservancy Regulation.

Recovery of demand notice fees in the Mavelikara and Kartikapalli taluks during 1104-1106.

117. **MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state:

(*a*) the amounts realised under demand notice fees in the Mavelikara and Kartikapalli taluks in 1104, 1105 and 1106;

(*b*) the number of demand notices in the above two taluks for which fees have not been recovered in 1106, in pursuance of G. O. R. O. C. No. 2764/31/Rev., dated 14-7-31;

(*c*) whether demand notice fees have been recovered in 1107 for any of the cases referred to in part (*b*), and, if so, the number of such cases;

(*d*) whether all the fees realised under part (*a*) for the second half of 1106 were treated as advance payment for the first instalment of 1107;

(*e*) if the answer to part (*d*) is in the negative, the number of cases in which the fees so realised have not been credited as advance and the reason for the same; and

(*f*) what they propose to do with regard to cases falling under part (*c*) and to those in which the fees recovered were not more than the tax for 1107?

MR. A. KUMARA PILLAI (*Secretary to Government*): A statement* furnishing the information required by the member is laid on the table.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In the answer given in Appendix I, last column, it is stated that "no definite instructions have been received in the matter" and that "the amount of demand notice fees in cases in which it is more than the tax for 1107 may be adjusted in 1108 and subsequent years, if Government sanction the same". May I know from whom instructions have to be received?

MR. A. KUMARA PILLAI (*Secretary to Government*) From Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is not this answer given by Government?

MR. A. KUMARA PILLAI (*Secretary to Government*): I think that the statement in the appendix is not quite correct.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is stated "if Government sanction the same". May I know whether Government have sanctioned it?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is under consideration.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has not this demand notice fee been remitted, because Government thought that such a concession is necessary?

MR. A. KUMARA PILLAI (*Secretary to Government*): The people wanted the concession and so Government thought they deserved the concession.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know then why Government have not yet made up their mind to see that it is given full effect to?

MR. A. KUMARA PILLAI (*Secretary to Government*): It is under the consideration of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know whether orders will be passed soon so as to benefit the people in 1108 at least, because the time for collecting the first instalment of kist for 1108 is already over?

MR. A. KUMARA PILLAI (*Secretary to Government*): Orders will be issued soon.

Introduction of vocational education in schools.

118. **MR. R. S. SUBRAHMANYA PILLAI** (*Kalkulam* cum *Vilavankod*): Will the Government be pleased to state:

(*a*) whether any, and if so what steps have been taken for the introduction of vocational education in schools as indicated in the new syllabus; and

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* *Vide* Appendix I—page i.

[Mr. R. S. Subrahmanya Pillai.]

(*b*) whether they will lay on the table a copy of the report of the Director of Public Instruction on the subject, as also a copy of the orders of Government on the same ?

MR. K. GEORGE (*Chief Secretary to Government*) : The member is referred to answers to interpellations Nos. 113 and 112 given at the meeting of the Council held on the 21st December 1932.

Road from Parur to Kuriyapalli.

119. **MR. K. GOPALAKRISHNA PILLAI** (*Parur*) : Will the Government be pleased to state :

(*a*) whether the road from Parur to Kuriyapalli will be worked this year ; and

(*b*) whether orders for taking up the work have been issued ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) :

(*a*) The work will be taken up this year.

(*b*) Yes.

Maintenance of the Airur-Chirakkara road.

120. **MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*) : Will the Government be pleased to state :

(*a*) when the combined dam and bridge at Airur in the Chirayinkil taluk was completed and at what cost ;

(*b*) whether they have given administrative approval for the maintenance of the Airur-Chirakkara road on the other side of the Airur dam, and, if so, when ; and

(*c*) if the answer to part (*b*) is in the affirmative, why the road is not yet (29-11-1107) taken up for maintenance ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) :

(*a*) It was completed in Kanni 1107 at a cost of Rs. 18,388.

(*b*) No.

(*c*) The road will be taken up for maintenance after it has been improved.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : With reference to the answer to part (*c*), may I know who is it that should improve the road ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : When the road is improved, then the annual maintenance will be taken up by Government.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know whether towards the improvement of the road anything has been done or proposed to be done in the near future ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : The improvement of the road itself is not completed now, and as soon as the improvement is over, maintenance will be done every year.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : My question was whether ever since the completion of the dam, anything has been done towards the improvement of the road?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*): Government have ordered on 18-10-1930 that the improvement of the road will be taken up after the lands are handed over by the owners. Hence the work could not be done. The Land Revenue Commissioner has been asked to acquire the lands, and lands from Ayrur to Chirakara has been acquired, and that portion will be taken up and improved soon. There is also a provision of Rs. 1,000 in the Budget for this.

LEGISLATIVE BUSINESS.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next item in the Agenda is the third reading of the Chitties Regulation Amendment Bill.

Before I make the motion, I have certain amendments to move. The first amendment is, I move: in the Preamble, for "I of 1101" substitute "I of 1100".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move: in Clause 1, sub-clause 1, add the figure "8" after the figure "110".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move:

in Clause 2, for "I of 1101" substitute "I of 1100".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put and carried.

MR. KA ALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move:

in Clause 2, in the proposed clause (12) of Section 3, add the figure "8" after the figure "110".

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

The amendment was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next amendment is in regard to Clause 3. That amendment is printed, but I have altered it a little. I shall now formally move it—

In the first sentence add the following at the end:—"such majority being also not less than three-fourths in value of the general body of the subscribers".

[Mr. Kayalam Paramesvaran Pillai.]

For "subscribers" in the printed amendment, I have now substiuted "the general body of the subscribers."

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I want to know whether the expression "general body of the subscribers" includes prized subscribers as well as non-prized subscribers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*: Yes.

The amendment was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I now beg to move that the Bill as now amended be finally passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I oppose it.

The motion was put and declared carried 27 voting *for* and 2 voting *against*.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I demand a poll.

The House divided as follows and the motion was carried.

AYES—27.

Messrs.			Messrs.		
1	,,	K. P. Abraham	14	,,	K. Krishnan Nayar
2	,,	K. C. Chandi	15	,,	M. P. Madhavan Pillai
3	,,	S. Chattanatha Karayalar	16	,,	M. Mahomed Mustapha
			17	,,	C. O. Madhavan
4	,,	A. S. Damodaran Asan	18	,,	E. G. McAlpine
5	,,	R. Dhanukoti Pillai	19	,,	N. Nilakanta Pillai
6	,,	K. George	20	,,	R. Nilakanta Pillai
7	,,	K. Gopalakrishna Pillai	21	,,	K. P. Nilakanta Pillai
8	,,	Joseph Kunju	22	,,	Kayalam Paramesvaran Pillai
9	,,	A. Kumara Pillai			
10	Rao Sahib	Dr. N. Kunjan Pillai	23	,,	C. N. Srirenganatha Sastri
11	Messrs	K. C. Karunakaran	24	,,	R. S. Subrahmanya Pillai
12	,,	K. I. Kocheeppan Mapillai	25	,,	N. A. Sundaram Pillai
13	,,	K. P. Kochukora Tarakan	26	,,	A. Thanu Pillai
			27	,,	J. S. Westerdale

NOES—2.

1 Mr. K. Kunjukrishna Pillai	2 Mr. K. Narayanaperumal Nadar

NEUTRALS.

Nil.

The motion was declared carried, 27 voting *for* the motion, 2 *against* and none remaining neutral.

DEPUTY PRESIDENT: The business on the agenda paper fixed for to-day is over, and, as you are aware, this is the last sitting of the Council, for within a short time the reformed constitution for the legislature sanctioned by His Highness the Maha Raja will come into force and a new chapter in the history of the Legislature of the State will be commenced soon.

Before parting, I feel it my duty to inform you of the desire of the President to express his extreme regret at not being able to be present on this occasion to bid goodbye to us all in his capacity as President. He has also desired me to convey to you his gratitude for the co-operation and good-will that he has always received here, and expressed a hope 'that the legislative work just finished, and, especially the spirit shown in dealing with and passing the Jenmi-Kudiyan Bill augur well for the future'. In the sentiments contained in this statement I fully agree, for it must be said that any legislature can be proud of the achievements that we have made during this session on the legislative side. We have been able to settle the vexed question that has been troubling a major portion of the population of Travancore, I mean the Jenmies and the Kudiyans in this State. I would lay emphasis upon one particular aspect of the question, *viz.*, that we have been able to try to effectively minimise the ruinous litigation that the State has been having on this account. We have also shown that, whatever our personal feelings may be on such questions, we would by rising above all such considerations succeed in promoting goodwill and harmony among the people in the State. It is clearly with this object in view that we have been settling most of the questions, upon which there has been wide divergence of opinion, by compromises and adjustments. Let us hope that this good-will and harmony will continue and that this institution succeed in effectively carrying out the object for which it has been inaugurated.

With these few words, I adjourn the House.

The House adjourned *sine die* at 8-17 A. M.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

Appendix I

***Vide* Answer to question No. 6.**

Statement, by caste, of the teaching staff of the departmental English Schools.

No.	*Caste or creed.*		*Total number.*
	I. HINDUS.		
1.	Brahmins (Others)	...	319
2.	Nadars	...	1
3.	Ezhavas	...	10
4.	Kammalas	...	5
5.	Kshathriyas	...	7
6.	Nayars	...	106
7.	Vellalas	...	20
8.	Other Hindus	...	17
	II. MUSSALMANS	...	16
	III. CHRISTIANS.		
1.	Protestants	...	47
2.	Roman Catholics		
	(*a*) Latin Rite	...	10
	(*b*) Syriac Rite	...	13
3.	Syrians		
	(*a*) Jacobites	...	42
	(*b*) Marthoma	...	47
4.	Church of England	...	17
	IV. OTHER CLASSES.	...	12

Appendix II.

Vide **Answer to Question No. 7.**

VERNACULAR SCHOOLS FOR BOYS.

No.	Name of school.	Name of Manager.
1	Kumpalampoika C. M. S. V.M.S.	Ven. Arch Deacon T. K. Benjamin B. A;
2	Nallanikunnu C. M. S. „ ...	Do.
3	Konni St. George „ ...	Mr. K. M. Oommen
4	Makapuzha Primary School ...	„ Kesavan Nayar
5	Pathanamthitta Mahn. P. S. ...	„ A. Muhamad
6	Naranganam M. D. P. S. ...	Most Rev. Mar. Ivanious Metropolitan
7	Thonniyamala M. T. P. S. ...	Rev. V. P. Mammen B. A,
8	Melukara West Do. ...	Do.
9	Prakanam C. M. S. P. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
10	Omalloor C. M. S. ...	Do.
11	Chennirkara M. T. ...	Rev. V. P. Mammen B. A.
12	Vazhamuttam P. S. ...	Mr. E. I. Cheriyan
13	Kumpazha M. D. ...	Most Rev. Mar Ivanious Metropolitan
14	Konithazham Do. ...	Do.
15	Vettoor Do. ...	Do.
16	Kangirathamala M. D. ...	Do.
17	Mannamaruthi B. M. ...	Mr. E. H. Noel
18	Poozhikunnu M. D. ...	Most Rev. Mar Ivanious Metropolitan
19	Melkozhur Do. ...	Do.
20	Pullampalli M. T. ...	Rev. V. P. Mammen B. A.
21	Ranni C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
22	Madamon ...	Mr. K. Padmanabha Pillai
23	Pullupuram Saraswativilasom ...	„ Krishnan Nayar Raman Nayar
24	Elanthoor Pavaram M. T. ...	Rev. V. P. Mammen B. A.
25	Valia Ayanthi Mar Basslons ...	Fr. A. G. Abraham
26	Athimood B. M. ...	Mr. E. H. Noel
27	Thatachira Balakrishna Vilasom	„ Moolur S. Padmanabha Panikker
28	Vettipuram ...	„ A. Aiyappan Pillai
29	Narananganam M. T. ...	Rev. V. P. Mammen B. A.
30	Thalakulam Padmavilasom ...	Mr. Moolur S. Padmanabha Panikker
31	Keekozhoor East M. T. ...	Rev. V. P. Mammen B. A.

Appendix II—(*contd.*)

No.	Name of school.	Name of Manager.
32	Chukanal ...	Mr. E. I. Cheriyan
33	Panniyali ...	Do.
34	Puthenpadica ...	Do.
35	Erathumpamon M. D. ...	Most Rev. Mar Ivanious Metropolitan
36	Attarikavu ...	Mr. N. Narayana Pillai
37	Muttathukonam M. T. ...	Most Rev. Mar Ivanious Metropolitan
38	Mannarkulanji ...	Rev. Fr. A. G. Abraham
39	Attachakal ...	Mr. Kuruvila Kunju Oommen
40	Varavoor ...	,, P. O. Kuruvila
41	Perunkulam St. George ...	Rt. Rev. Mar Gregoriose Metropolitan
42	Vaikam Srinarayana Tharakom	Mr. Moolur S. Padmanabha Panikker
43	Poovanmala M. T. ...	Rev. V. P. Mammen B. A.
44	Milapra St. George ...	Rev. Fr. A. G. Abraham
45	Vadaserikara Lekshmi Vilasom	Mr. V. K. Kesavan Nayar
46	Naranammoozhi M. T. ...	Rev. V. P. Mammen B. A.
47	Valadikavu M. T. ...	Do.
48	Aithala ...	Mr. K. C. Thomas
49	Valiakulam Padma Vilasom ...	Mr. Moolur S. Padmanabha Panikker
50	Puthuserimala Sri Narayana Vilasom ...	Do.
51	Mannarthara B. M. ...	Mr. E. H. Noel
52	Nannuvakad M. T. ...	Most Rev. Mar Ivanious Metropolitan
53	Elanthoor East M. D. ...	Rev. V. P. Mammen B. A.
54	Lakhoor St. Mary's ...	Rt. Rev. Gregorious Metropolitan
55	Mallaseri C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
56	Vayala North ...	Mr. Krishnan Potti
57	Pramadam	Mr. K. S. Subramonian Bhattathiri
58	Kaipattoorkarakad ...	Mr. K. Varghese
59	Vellapara E. A. ...	Rev. C. P. Philipose Kassesa
60	Kadampanitta M. T. ...	Rev. V. P. Mammen B. A.
61	Azhoor ...	Mr. Jadavedaru Damodararu
62	Narananganam C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.

Appendix II—(*contd.*)

No.	Name of School.	Name of Manager.
63	Mattoor St. John M. D. ...	Most Rev. Mar Ivanious Metropolitan.
64	Cherukole M. T. ...	Rev. V. P. Mammen B. A.
65	Kurikdayam M. T. ...	Do.
66	Kattoor C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
67	Erathumpamon C M. S. ...	Do.
68	Chennikara North ...	Mr. E. I. Cheriyan.
69	Thottamon South ...	Rev. V. P. Mammen B. A.
70	Melkozhoor M. T. ...	Do.
71	Ottupura B. M. ...	Mr. E. H. Noel.
72	Kumeremperoor E. A. ...	Rev. C. P. Philipose Kassisa.
73	Mankuzhi B. M. ...	Mr. E. H. Noel.
74	Naranammuzhi M. D. ...	Most Rev. Mar Ivanious Metropolitan.
75	Cheramel Shunmukhavilasom ...	Mr. S. Padmanabha Panikker.
76	Valiavattom M. T. ...	Rev. V. P. Mammen B. A.
77	Pulinthitta ...	Do.
78	Kumpazha Srinarayana Vilasam.	Mr. S. Padmanabha Panikker.
79	Kadavupuzha M. T. ...	Rev. C. Cheriyan.
80	Iravon Chithira Thirunal ...	Mr. V. Paramu Pillai.
81	Vellipurom C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
82	Ezholi „ ...	Do.
83	Pelacheri „ ...	Do.
84	Valodikavu E. A. ...	Rev. C. P. Philipose Kassisa.
85	Vettipurom Thuravur ...	Mr. Aiyappen Pillai.
86	Perinad Estate ...	H. R. Lindsay Esq.
87	Unnakavu C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
88	Peruveli C. M. S. ...	Do.
89	Ennuram Vayal C. M. S. ...	Do.
90	Edabhagom M. T. ...	Rev. V. P. Mammen B. A.
91	Kalanjoor B. M. V. M. School ...	Mr. E. H. Noel.
92	Kadambanad „ ...	Mr. K. R. Krishna Pillai.
93	Adoor C. M. S. „ ...	Ven. Arch Deacon T. K. Benjamin B. A.
94	Kadambanad C. M S. ...	Do.
95	Elangamangalam C. M. S. P. S. .	Do.
96	Enathu C. M. S. P. S. ...	Do.
97	Mannadikala West E. A. ...	Rev. C. P. Philipose Kassisa.

Appendix II—(*concld.*)

No.	Name of Schools.	Name of Manager.
98	Sri Nilakanta Vilasom ...	Mr. Nilakanta Pillai.
99	Karumpakara St. Brocard ...	Rev. Fr. John Mary.
100	Arukalikal ...	Mr. S. Govinda Pillai.
101	Aikad Sri Rama Vilasom ...	Mr. T. K. Gopala Pillai.
102	Aranthakulangara ...	Mr. Velumpan Krishnan.
103	Angadical ...	Mr. Krishna Pillai.
104	Adoor Parameswara Vilasom ...	Mr. K. Kesavan Unnithan.
105	Kudamon ...	Mr. K. Rama Kurup.
106	Padam Krishna Vilasom ...	Mr. K. Kesavan Unnithan.
107	Enathu Subramonia Vilasom ...	Mr. G. Gopala Pillai.
108	Kannancode S. A. ...	Col. Annie Trounce.
109	Kunnida C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A
110	Nilakal ...	Mr. C. Thomas.
111	Aivarukala C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
112	Kadampanad Lekshmi Vilasom...	Mr. Pappu Muthu Asari.
113	Thuvayoor C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
114	Vayala ...	Mr. P. I. Alexander Muthalali.
115	Edathitta Kizhakupurom C. M. S.	Mr. V. K. Kunjukunju.
116	Kizhakupuram C. M. S. ...	Ven. Arch Deacon T. K. Benjamin B. A.
117	Ezhankulam Sadhu Mithra-sramam Night School ...	Mr. T. K. Narayana Pillai.
118	Elangamangalam Night School ..	Mr. K. Narayanan.
119	Vayala Nisapatassala ...	Mr. T. G. Chacko.
	Girls' Schools.	
1	Kattoor P. S. for Girls ...	Mr. Krishnan Nayar.
2	Kumaramperoor Do. ...	Rev. Fr. Mammen Kassisa B. A.
3	Prakannam Do. ...	Mr. M. Govindan Nayar.
4	Kodamuthara Do. ...	Mr. N. Krishna Pillai.
5	Mylapra B. M. P. S. ...	Mr. E. H. Noel
6	Pathanamthitta V. M. G. S. ...	Rev. V. P. Mammen Kassessia B. A.
	English Schools for Boys.	
1	Syrian Christian English Middle School, Ranni ...	Rev. C. P. Philippose Kassisa.
2	M. S. English Middle School, Ranni ...	Most Rev. Mar Dioscoros Metropolitan.

TRAVANCORE LEGISLATIVE COUNCIL.

FOURTH COUNCIL.

STANDING FINANCE COMMITTEE 1108.

The first meeting of the Standing Finance Committee of the Legislative Council was held at 2 P. M. on Thursday, the 8th December 1932/23rd Vrischikam 1108, in the Dewan's Room, Public Offices.

The following members were present:—

T. Austin Esquire, I. C. S., Barrister-at-Law, Dewan-President.
A. S. Damodaran Asan Esquire, B. A., B. L.
K. P. Madhavan Pillai Esq,, B. A., LL. B.
K. C. Karunakaran Esq., B. A., B com., (Birmingham)
K. George Esq., B. A., Chief Secretary to Government.
R. Nilakanta Pillai Esq., B. A., B. L., Financial Secretary to Government.

A. Kumara Pillai Esq., B. A., Secretary to Government, Convener.

1. DEMAND III. INDUSTRIES.

The Committee considered the proposal for the participation in the Buy Indian League Museum, Madras, and agreed to the provision of a sum of Rs. 1,000 for the purpose in the Budget for 1108.

2. DEMAND IV—MEDICAL DEPARTMENT INCLUDING PUBLIC HEALTH.

(i) The Committee agreed to the provision of a sum of Rs. 2,150 in the Budget for 1108 for the acquisition of land for the contagious diseases shed in the Parur Hospital.

(ii) The proposal for the appointment of an Artist in the Public Health Department on Rs. 20 per mensem was approved by the Committee and they agreed to the provision of a sum of Rs. 240 for the purpose in the Budget for 1108.

3. DEMAND I. LAND REVENUE.

The Committee next took up for consideration the proposal for the revision of the Land Revenue Manual, Vol. III, and the appointment of Mr. T. P. Ramasubba Aiyar, B. A., Retired Dewan Peishkar on a remuneration of Rs. 275 for a period of one and a half years with the following staff and contingencies for the purpose.

No.	Particulars.	Proposed pay per mensem. Rs.	Cost for 7 months in 1108. Rs.
(1) Officer		275	1,925
(2) Staff			
	Manager	125 D. A. 25-150.	
	Head Clerk	85 D. A. 17-102.	
	1 Clerk	40	
	1 Clerk	25	
	1 Clerk	20	
	1 Typist	30	
	1 Mochee	12	
	1 Peon	10	
	3 Peons at Rs. 9 each.	27	
	Total	416	2,912
	Contingencies		663
	Grand total		5,500

Mr. K. C. Karunakaran said that it was against all principles to entrust the work to a retired officer when there are able men in the service.

Mr. A. S. Damodaran Asan objected the proposal on the ground that there was nothing urgent about the matter and that it could wait till the next Budget. Mr. K. P. Madhavan Pillai observed that the remuneration fixed for the officer was too much and that it would be advantageous to entrust the work to an officer who was in service. It was decided to reserve the proposal for the Budget for 1109.

4. Demand V.—Chemical Examiner—Ayurveda Department and Sanitary Department.

The following proposals were accepted by the Committee.

(i) Provision of a sum of Rs. 484 for the publication of Ayurveda manuscripts and the resumption of that amount from the allotment under "28. F" in the Budget for 1108.

(ii) Provision of a sum of Rs. 982-14-0 for the constitution of the Haripad town into a Conservancy town.

(iii) Provision of a sum of Rs. 420 for the opening of a vaccination class.

5. Demand VII.—Education.

The Committee approved the following proposals and agreed to the amounts therefor being provided in the Budget for 1108:—

(i) Petty construction and repairs to Vernacular Schools for Boys and Girls Rs. 10,700.

(ii) For the appointment of additional teachers in Vernacular Schools for Boys and Girls Rs. 4,000.

(iii) For the appointment of a Third Grade Supervisor on Rs. 80-120 as P. W. D. Officer for the Education Department Rs. 560

(iv) For providing additional accommodation to the three training schools at Neyyattinkara, Mavelikara and Ettumannur Rs. 3,000.

In this connection Mr. A. S. Damodaran Asan observed that it would be advantageous to have the present building where the school at Mavelikara was held converted into a Court House for the proposed District Court and that he learns that the same had been approved by Justice Mr. Taliath.

The Dewan replied that the matter would be considered.

6. DEMAND VIII.—PUBLIC WORKS.

The Committee considered the proposal for the entertainment of the preliminary staff, detailed below, for Town-planning, for investigation of schemes, preparation of estimates, etc.

		Rs.
1.	Allowance to Personal Assistant to the Director of Town-Planning as Town Planning Assistant	100
2.	Conveyance allowance for Do.	75
3.	P. W. D. 2nd Grade Supervisor	125
4.	Experienced field Surveyors 2 (Sub-Overseer's grade 35-50)	70
5.	Good Architectural Draftsman 1 (50-70)	50
6.	Tracer 1 (25-35)	25
7.	Clerk-Typist 1 (25-35)	25
8.	Peons 3 (9-11)	27
9.	Conveyance allowance for Supervisor, Surveyors, lascars, etc.	100
10.	Contingencies and office expenses.	68

The allowance proposed for the Town-Planning Assistant was reduced to Rs.50 and the conveyance allowance was also reduced to Rs. 24, with these changes the proposal was approved and the Committee agreed to the provision of a sum of Rs. 4,662-11-3, being the cost for 8 months and 8 days from the 23rd Thulam 1108 to the end of Mithunam 1108, in the Budget for 1108.

7. DEMAND X.—POLICE.

The following proposals were approved by the Committee;—

(1) A provision of Rs. 70 for the grant of shorthand allowance of Rs. 5 each per mensem to the two English Shorthand Reporters attached to the office of the Inspector of Police, C. I. D. Trivandrum.

(ii) A provision of Rs. 1,960 for the appointment of two additional Prosecuting Inspectors and 1 Inspector of Police for C. I. D. work.

In this connection Mr. K. P. Madhavan Pillai said that the present arrangement that the Prosecuting Inspector at Kottayam should conduct the cases at Shertallai caused great inconvenience and delay in the disposal of cases. He suggested that it would be convenient if the Prosecuting Inspector at Alleppey were asked to conduct the cases at Shertallai. The Dewan said that the Commissioner of Police and the District Magistrates would be addressed in the matter,

8. DEMAND XI.—GENERAL ADMINISTRATION.

The Committee agreed to the provision of a sum of Rs. 167 in the Budget for the continuance of the clerk-typist in the Political Section till the 5th Meenam 1108 *i. e.*, up to which the term of the Political Secretary has been extended.

9. DEMAND XIII.—ADMINISTRATION OF JUSTICE.

The proposal for the establishment of new Village Panchayat Courts at Eraniel, Chirayinkil and Shertallai and the provision of a sum of Rs. 1,005 for the purpose in the Budget for 1108 were agreed to by the Committee.

10. DEMAND XVI.—CENSUS.

The Committee approved the provision of a sum of Rs. 750 for the Malayalam translation of the Census Report of 1931.

11. DEMAND XX.—REGISTRATION.

The Committee agreed to the proposal for the appointment of 2 clerks on Rs. 25 each per mensem for a period of two months to cope with the extra work in the Office of the Registrar of Joint Stock Companies and the provision of a sum of Rs. 100 in the Budget for the purpose.

12. DEMAND XXIV.—ANCHAL.

The Committee took up for consideration the proposal for the appointment of 9 temporary additional clerks on Rs. 15 each per mensem, 7 in the Anchal Offices and 2 in the Anchal Superintendent's Office, for relieving the pressure of work.

Mr. A. S. Damodaran Asan wanted to know the Anchal Offices for which the clerks were asked. Mr. A. Kumara Pillai replied that the Anchal Superintendent had specially mentioned the names of the following 5 offices, *viz.*, the Anchal Offices at Perinad, Quilon, Alleppey, Kundara and Mavelikara.

Mr. Damodaran Asan said that each of these offices might be given a clerk and the Anchal Superintendent's Office two clerks and that the other clerks asked for should not be sanctioned. The Committee accepted the suggestion and agreed to the provision of a sum of Rs. 735 for th purpose in the Budget for 1108.

The following proposals also were accepted by the Committee:

(i) Provision of a sum of Rs. 70 for the conversion of the non-departmental Anchal Office at Tazhakara into a departmental Anchal Office.

(ii) Provision of a sum of Rs. 1,120 for the appointment of 8 additional clerks in the Anchal Offices for Savings Bank work on Rs.20 each per mensem.

13. DEMAND XXVII.—INDUSTRIAL LOANS.

The Committee agreed to the provision of a sum of Rs. 50,000 in the Budget for 1108 for Industrial loans.

The Committee adjourned *sine die* at 3. 5 P. M.

A. KUMARA PILLAI,
Convener,
Standing Finance Committee.

Huzur Cutcherry,
Trivandrum, 24th December. 1932.

Appendix I.

Vide Answer to Question No. 36

Statement showing the name and extent of lands in the High Ranges available for registry to the citizens of the State.

No.	Name.	Pakuthy.	Extent Acre.	Extent Cent.	Remarks
	Devicolam Taluk.				
1	Poopara	Poopara	5,000	...	
2	Udumbanchola	Udumbanchola	300	...	
	Chathurangapara	do.	100	..	
	Kalthotty	do.	300	...	
	Thalayankavu	do.	50	...	
	Chandaruvi	do.	75	...	
	Njavaripara	do.	20	...	
	Páppenpara	do.	200	...	
	Kombaymettu	do.	2,000	...	Cardamom Hills Reserve
	Parathodu	do.	200	...	
	Adukidanthan	do.	50	...	
	Vallarakanpara	do.	200	..	
	Kizhavikulam	do.	20	...	
	Myladumpara	do.	150	...	
	Kambala	do.	500	...	
	Kalkoonthal	do.	1,000	...	
	Attupara	do.	25,000	...	
	Total		30,165	...	
3	Marayoor	Marayoor	21,324	37	
4	Natchivayal	Natchivayal	2,542	66	
5	Kizhanthoor	Kizhanthoor	2,200	..	
6	Kanthalloor	Kanthalloor	9,135	82	
7	Vattavada	Vattavada	6,944	9	
8	Kottakomboor	Kottakomboor	8,313	74	
9	K. D. Hills	..	..	...	
10	Anakulam	Anakulam	18	32	
11	Pallivasal	Pallivasal	25,768	98	
	Total		1,11,412	98	
	Peermade Taluk.				
	Peermade	Peermade	48,804	57½	As all the unregistered lands in Mlappara and Vandanmettu are reserved Forests no lands are available for registry there.
	Peruvanthanam	Peruvanthanam	20	85	
	Periyar	Periyar (approximate)	500	...	

Appendix II.

Vide Answer to Question No. 37.

List of applicants for admission to the Medical College, Madras.

Serial No.	Name	Caste.
1	B. Sankara Aiyar	Brahmin
2	C. Subramoni	Do.
3	S. Vaidyanatha Aiyar	Do.
4	V. N. Vasudevan Nayar	Nayar
5	S. Govinda Pillai	Do.
6	P. Ananthakumara Menon	Do.
7	G. Kesava Pillai	Do.
8	K. Kunjuraman Nayar	Do.
9	C. M. Chandrasekaran Nayar	Do.
10	J. Madhavi Amma	Do.
11	M. R. Ramachandran Nayar	Do.
12	A. S. Narayanan Asan	Do.
13	P. Krishnan Nayar	Do.
14	K. R. Balakrishna Pillai	Do.
15	K. Sreedharan Pillai	Do.
16	M. K. Bagavan Pillai	Do.
17	S. Gopala Pillai	Do.
18	V. Sankaran Nayar	Do.
19	S. Madhavan Pillai	Do.
20	K. N. Madhavan Nayar	Do.
21	K. Gopinatha Pillai	Do.
22	K. Saraswathy	Ezhava
23	K. Madhavan	Do.
24	G. Vamadevan	Do.
25	C. W. Chacko	Syrian Christian
26	P. John Zachariah	Indian Do.
27	Arthur Paul	S. Travancore Indian Christian
28	C. J. John	Indian Christian
29	T. N. Poonen	Do.
30	K. G. Koshy	Do.
31	P. J. Lukose	Do. R. C.
32	V. Pappy	Do.
33	T. V. George	Do.
34	Elizabeth Chandi	Do.
35	K. M. Verghese	Syrian Christian
36	T. V. Kuruvila	No denomination given
37	Miss Annamma Oommen	Do.
38	P. A. George	Do.
39	Thomas Chandi	Syrian Christian
40	C. J. Abraham	Do.
41	C. J. Joseph	Do.

Appendix II.—(*Contd*).

Serial No.	Name.	Caste.
42	T. V. Punnose	Anglican Syrian
43	K. M. Philip	No denomination given
44	T. M. Matthai	Do.
45	N. M. Nainan	Do.
46	C. K. John	Do.
47	T. K. Kurien	Do.
48	H. A. Sathia Joseph	South Travancore Christian
49	Achamma John	No denomination given
50	T. V. Thomas	Do.
51	K. N. Pothen	Do,
52	Miss Sosamma John	Do.
53	K. M. Matthew	Do.
54	M. G. Joseph	Marthoma Syrian Christian
55	K. A. Abraham	No denomination given
56	Edith Mary Joshua	Indian Christian
57	Mary Eapen	Syrian Christian
58	G. Albert Lopez	Indian Christian
59	Miss K. Kunjilachy	Syrian Christian
60	P. A. George	Do.
61	Thotagath Joseph Joseph	Indian Christian
62	K. Thomas Matthew	Syrian Christian
63	S. Phunnel Livingston	Indian Christian
64	Joseph Eapen	Do.
65	Arthur Paul	Do.
66	Jasmine Enoch	Do. London Mission
67	A. M. Mani	Indian Christian
68	A. B. Perira	Latin Christian
69	J. Yesuretnam	Indian Christian
70	George M. Jacob	Do.
71	P. N. Jacob	Jacobite Syrian
72	Miss Sosa Kurien	Indian Christian
73	P. J. John	Jacobite Syrian
74	M. E. Joseph	Indian Christian
75	A. D. Alekutty	No denomination given
76	P. K. Varghese L. M. P.	Syrian Christian
77	Y. Arthur Fells	Indian Christian
78	S. M. Paul	Roman Catholic
79	Elizabath Pothen	Syrian Christian

SUPPLEMENT A.

The following report of the Select Committee on the Travancore Municipal Regulation Amendment Bill, together with the Bill as revised by the Select Committee is published for general information.

(By order)

Huzur Cutcherry,
Trivandrum, 26th November 1932.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

To

THE PRESIDENT,
TRAVANCORE LEGISLATIVE COUNCIL, TRIVANDRUM.

SIR,

We, the undersigned members of the Select Committee appointed to consider the Travancore Municipal Regulation Amendment Bill, beg to submit the following Report.

Clause 1

In Sub-clause (1), line 2, substitute the figure "1108" for "1107."

Clause 2

In the proposed clause (37) of Section 3, for the figure "1107", substitute the figure "1108".

Clause 4

(i) In the proposed Section 198, line 3, for the word "or" substitute the words "fountains or such." And in lines 5 and 6, omit the words "and may provide tanks, reservoirs, engines, mains, fountains, and other conveniences within the said limits,"

(ii) In the proposed Section 199 (2) line 4, omit the word "out" occurring after the word "worked,"

(iii) In the proposed Section 200, in lines 3 and 4, for the words "along with a conduit or pipe runs or on any premises connected", substitute the words "and used in connection."

The wording of the Clause as it stands appear to be too wide. To restrict it to the limits really intended, the change of wording is proposed.

(iv) In the proposed Section 201 (1), line 1, for the word "President" substitute the word "Council."

The reason for the change is obvious.

(v) In the proposed Section 201 (1) so amended, add the following proviso, namely:—

"Provided that in the case of a Government water-supply system, th permission of such officer as may be appointed in this behalf by Our Government shall also be required before any such building, wall or other structure is newly erected, or any street constructed, over the water-mains."

In the case of a Government water-supply system, it is not enough if the Municipal Council's permission is obtained. The permission of Government through an officer appointed in that behalf, shall also be taken. Hence the proposed change.

(vi) For the proposed Section 201 (2), substitute the following—

"If, in contravention of the aforesaid provision, any building, wall or other structure be erected or any street constructed, the President may, with the approval of the Municipal Council, in the case of a Municipal water-supply, and with the approval of Our Government, in the case of a Government water-supply, cause the building, wall, structure or street, as the case may be, to be removed or otherwise dealt with, and the expenses thereby incurred shall be paid by the person offending",

This amendment is made to suit the change made in respect of the proposed Section 201 (1).

(vii) In the proposed Section 203 (1) Proviso, line 3, substitute the word "twenty-four" for the word "forty-eight",

(viii) In the proposed Section 203 (2), line 2, substitute the word "ninety-six" for the word "forty-eight".

We are of opinion that the compulsion provision ought not to be applied in the initial stages in respect of houses having so low a rental as forty-eight rupees. Hence the change.

(ix) Proposed Section 203 (3) : Omit the proposed sub-section (3).

We think that in the intial stages the provisions of sub-section (2) of Section 203, would be enough.

(x) Renumber sub-sections (4) and (5) of proposed Section 203, as sub-sections (3) and (4).

(xi) In the Explanation to the proposed Section 203, in clause (e), line 2, insert the word "are" after the word "vehicles."

This is intended only to supply an obvious omission.

A Copy of the Bill, as amended, is herewith appended. The Bill, as revised may be re-published.

Trivandrum,
8th November 1932.

J. S. WESTERDALE,
Chairman.
K. PADMANABHA PANIKKAR,
K. PARAMESVARAN PILLAI,
A. KUMARA PILLAI,
TARIATU KUNJITOMMAN,
A. THANU PILLAI, (*Subject to the dissenting note*)
Members

DISSENTING NOTE.

Clause 3.

For the words "not below five per cent" substitute the words "not exceeding five per cent."

The maximum water and drainage tax that may be levied under the existing Municipal Regulation is five per cent. of the annual value of the

building or land concerned. There is no justification for changing it into a minimum of five per cent. And more than five per cent. would be beyond the average citizen's capacity to pay. Further, there may be cases in which five per cent. of the annual value is not required, and it would be unreasonable and inequitable to levy that percentage in such cases. Hence the amendment above proposed.

Clause 4.

(i) Substitute the following for the proposed Section 198 :—

198 (1) The Municipal Council may, with the sanction of Our Government, direct the construction of such works as it deems fit without the limits of the Municipality for supplying it with water, and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, stand-pipes and other works as it may deem fit within the said limits, for the use of the inhabitants.

(2) Our Government may, with the consent of the Municipal Council, undertake the construction of water-supply works and in that case do all or any of the works referred to in sub-section (1) above.

Water supply is primarily a Municipal function and Government should not interfere with it without the consent of the Municipality. Hence the proposed amendment.

(ii) In the proposed Section 199 (1) between the words 'may' and 'provide' insert the word 'and' 'whenever a water-tax is levied, shall.'

(iii) In the proposed Section 199 (3) for the words "as may be fixed by Our Government after ascertaing the views of the Municipal Council", substitute the words "as may be agreed upon by our Government and the Municipal Council,"

27th Thulam 1108.

A. Thanu Pillai,
Member.

SUPPLEMENT B.

A BILL TO AMEND THE TRAVANCORE MUNICIPAL REGULATION V OF 1095.

[*As revised by the Select Committee*]

[Words in italics indicate the amendments suggested by the Committee].

Where as it is expedient to amend the Travancore Municipal Regulation, V of 1095, for the purposes hereinafter appearing ; It is hereby enacted as follows : —

Short title and commencement.

1. (1) This Regulation may be called the Travancore Municipal(Amendment) Regulation *1108*.

(2) It shall come into force at once.

Amendment of Section 3.

2. In Section 3 of the Travancore Municipal Regulation, V of 1095, (hereinafter referred to as the said Regulation) after clause (36), the following clause shall be added namely; —

"(37) The 'Amendment Regulation' means the "Travancore Municipal (Amendment) Regulation, *1108*",

Amendment of Section 61.

3. In Section 61 of the Said Regulation, for clause (7), the following, shall be substituted namely:—

" (7) yearly water and drainage tax on buildings or lands or both not below five percent of the annual value of such building or land or both upon which the tax is imposed :

Provided that—

(i) such tax shall be levied only for the purpose of defraying the expenses connected with any water-supply and drainage system, and

(ii) the Municipal Council may, with the sanction of Our Government exempt any local area from the whole or a proportion of the water and drainage tax on the ground that such areas are not deriving benefit from the water-supply or drainage system."

4. In the said Regulation for Chapter VIII. the following shall be substituted namely —

"CHAPTER VIII.

Water-supply.

Construction of water-works.

198. Our Government, or any Municipal Council with the sanction of Our Government may construct, lay or erect filtering tanks, reserviors, engines, conduits, pipes, *fountains* or *such* other works within or without the Municipality for supplying it with water, for the use of the inhabitants.

Provision of gratuitous supply of water.

199. (1) Our Government, or the Municipal Council may provide a supply of drinking water within the Municipality and may erect stand-pipes, fountains or other conveniences for the gratuitous supply of water.

(2) Any water-supply system constructed by and vesting in Our Government may, on such terms as may be settled by Our Government and the Municipal Council, be handed over to the Municipal Council for its being worked and so long as the arrangement lasts, the water-supply shall be deemed a Municipal water-suppply.

(3) Notwithstanding anything contained in sub-section (2), it shall be lawful to Our Government to work the Government water-supply system through their own officers, and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government.

Trespass on water-supply premises.

200. It shall not be lawful for any person except with permission duly obtained to enter on land vested in Our Government or the Municipal Council *and used in connection* with water-supply, and any person who enters without such permission shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

Prohibition of buildings over water-mains.

201. (1) Without the permission of the Municipal Council no building, wall or other structure shall be newly erected and no street shall be constructed over any water-mains:

Provided that in the case of a Government water-supply system, the permission of such officer, as may be appointed in this behalf by Our Government, shall also be required any such building, wall or other structure is newly erected, or any street constructed, over the water-mains.

(2) *If, in contravention of the aforesaid provision, any building, wall or other structure be erected or any street constructed, the President may, with the approval of the Municipal Council, in the case of a Municipal water-supply, and with the approval of Our Government, in the case of a Government water-supply, cause the building, wall, structure or street, as the case may be, to be removed or otherwise dealt with, and the expenses thereby incurred shall be paid by the person offending.*

Control over house connection.

202. All house connections with the water-supply mains, whether the connections be within or without the premises to which they belong, shall, subject to such rules as may be framed by Our Government from time to time, be under the control of the Municipal Council, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with bye-laws made in that behalf; and any owner who contravenes the provisions of this Section shall, on conviction, be punishable with fine which may extend to twenty-five rupees

Private water supply for domestic consumption and use and the powers of the President to enforce provision of water-supply.

203. (1) The Municipal President may, on application by the owner or occupier of any building, arrange, in accordance with the rules and bye-laws, to supply water thereto for domestic consumption and use:

Provided that the President shall not without the sanction of the Municipal Council agree to supply water to any building assessed at an annual value of less than *twenty-four* rupees.

(2) Whether it appears to the President that any dwelling-house assessed at an annual value not less than *ninty-six* rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the President may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the rules and bye-laws; and any owner failing to comply with such requisition shall on conviction, be punishable with fine which may extend to twenty-five rupees,

(3) The cost of making the connection and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax.

(4) For all water supplied under this Section, in excess of a maximum determined by rules and bye-laws, payment shall be made at such times and under such conditions as may be laid down in such rules and bye-laws and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths, tanks in or near temples, churches and mosques or for any ornamental or for mechanical purpose, and

(*e*) for animals or for washing vehicles where such animals or vehicles *are* kept for sale or for hire, but shall be deemed to include a supply—

(i) for flushing latrine or drains,

(ii) for all baths other than swimming baths or public baths, and

(iii) for the consumption and the use of inmates of hostels, boarding houses and residential clubs and for baths used by such inmates,

President's power to supply water for non domestic purposes.

204. (1) The Municipal President may, subject to such rules as may be framed by Our Government from time to time and with the sanction of the Municipal Council, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity is likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and on such conditions as may be laid down by such rules as may be framed by Our Government from time to time,

Power to cut off water-supply.

205. (1) The Municipal President may cut off the supply of water from any premises—

(*a*) if the premises are unoccupied:

(*b*) if any water-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person

by or under this Regulation is not paid within thirty days after a bill for such tax or sum has been presented;

(c) if after receipt of a notice from the President requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any rule or bye-law made under this Regulation:

(d) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;

(e) if the occupier refuses to admit the President into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply, or prevents the President from doing such work, placing or removing such apparatus or making such examination or enquiry:

(f) if any pipes, taps, works, or fittings connected with the water-supply are found on examination by the President to be out of repair to such an extent as to cause waste or contamination of water; and

(g) if the owner or occupier causes pipes, taps, works or fittings connected with the water-supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (b) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the President shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the water works.

(4) No action taken under this Section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of Council when supply is reduced or not made in certain cases.

205 A. The Municipal Council shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Power of Government and of Municipal Council in respect of making connections and communications with the water-main.

205 B. For the purpose of providing or maintaining the water-supply or of making or maintaining communications or connections with the mains and generally for the purpose of this Chapter, Our Government and the Municipal Council shall have all the powers which are conferred upon the Council in respect of the drainage and the supply of gas by Sections 128 to 132".

SUPPLEMENT C.

The following report of the Select Committee (after recommittal) on the Jenmi and Kudiyan Regulation Amendment Bill is published for general information.

(By order)

Huzur Cutcherry,
Trivandrum, 11th April 1932.

P. VISVANATHA AIYAR,
Secretary to the Legislative Council,

REPORT, AFTER RECOMMITTAL, OF THE SELECT COMMITTEE ON THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

To

THE PRESIDENT,

TRAVANCORE LEGISLATIVE COUNCIL.

SIR,

We the undersigned, members of the Select Committee to which the Jenmi and Kudiyan (Amendment) Bill was recommitted for further consideration beg to report as follows:—

II. The reference made to the Committee by the Council is the following:

"Whether is respect of Kanapattom lands, an arrangement can reasonably be made that the pattom of such lands be taken to be the same as the pattom fixed for Land Revenue purposes and out of that pattom whatever is left after deducting the Sirkar tax, be taken to be the Jenmi's due in lieu of all and every one of their claims, and if any such arrangement can reasonably be made to draft and submit the necessary legislative provisions for the same."

III. The pattom fixed for Land Revenue purposes is the Settlement pattom which may be seen from the Settlement Registers of the last general Revenue Settlement The amount arrived at by deducting the Sirkar tax from the Settlement pattom may be designated the "Settlement pattamicham" and it is by this name that we refer to it hereinafter. The annual michavaram payable to the jenmi plus the fractional fee (*i. e.* the annual payment proposed by the Bill to be made in substitution of the renewal fees payable periodically) *plus* the commuted cess (*i. e* the commuted money value payable yearly in substitution of the customary dues) may for convenience sake be designated the "jenmivaram," and what is fixed by law for actual yearly payment to the jenmi may be designated "jenmikaram." When the "jenmikaram" referred to is also the annual payment fixed by law to be made to the jenmi, that would be the jenmikaram also. (Under the Bill, both the original Bill and the Bill as revised by the previous Select Committee, the jenmivaram and the jenmikaram would be the same). The meaning of the terms, Settlement pattamicham, jenmivaram and jenmikaram being understood as above indicated, the reference made to the Select Committee is in brief whether the Settlement pattamicham can be fixed as the jenmikaram or some such arrangement made, in lieu of all and every one of the jenmi's dues.

IV. The Committee felt that, in order to come to any satisfactory opinion on the point it was necessary to get some evidence of the variation if any as also of the extent of the variation, between the jenmivaram and the Settlement pattamicham. The members of the Committee therefore decided to examine as many kanom documents relating to kanapattom lands in different parts of the State as could conveniently be done and ascertain the jenmivaram and compare it with the Settlement pattamicham. For this purpose, the members of the Committee divided themselves into three parties, to tour round each of the three Revenue Divisions of Trivandrum, Quilon and Kottayam. Each party camped at convenient centres and met the jenmis and kudiyans who appeared before them and examined the documents produced and compared the jenmivaram with the Settlement pattamicham. Statements made to the Committee by the three parties as to the result of their investigations are appended hereto, the statement of the Trivandrum party as Appendix A, that of the Quilon party as Appendix B and that of the Kottayam party as Appendix C.

V. In all 1273 Kanom documents were examined and the jenmivaram ascertained and the Settlement pattamicham as also certain other particulars in respect of the lands comprised in the documents noted. It has been found that the jenmivaram and the Settlement pattamicham vary in every case. Taking it that a variation, either way, to the extent of ten per cent. of the jenmivaram or less is only an insignificant or negligible variation, and that larger variations are substantial variations, it has been found that only in a comparatively small number of cases the variation is negligible and that in other cases (*i. e*, in the bulk of the cases examined) the variation has been substantial. As may be seen from Appendix B, only 12 1/2 per cent of the documents examined in the Quilon Division exhibited negligible variation, and as may be seen from Appendix C, only 21 per cent of the documents examined in the Kottayam Division exhibited negligible variations. Thus, if the Settlement pattamicham is fixed as the jenmikaram, it would be seen that in most cases, either the kudiyans would have to pay much more than what they have to pay now or the jenmis would get only much less than what they get now. In some cases the kudiyans would have to pay more than double and in some cases the jenmi would get only less than half, and in some even *nil*. In the majority of the cases of substantial variations, as indeed in the majority of all the cases of variations, the Settlement pattamicham has been found to be larger than the jenmivaram. It would appear therefore that though the fixing of the Jenmikaram at the amount of Settlement pattamicham may be an easy solution in theory, such an arrangement would cause hardship to a very large number of individuals, in fact to the bulk of the individuals of the community of jenmis and kudiyans and that, as between the jenmis and kudiyans, the kudiyans would suffer more. The Committee, therefore, have come to the conclusion that it is not right to fix the Settlement pattamicham as the jenmikaram uniformly in all cases; and they feel that it is not advisable to make any large departures from the amount of the jenmivaram or the jenmikaram under the Amendment Bill. After anxious consideration, they have arrived at the following formula as a rule of workable arrangement, namely,—

(*a*) That wherever the amount of a difference between the jenmivaram and the Settlement pattamicham is not larger than ten per cent. of the jenmivaram the Settlement pattamicham be fixed as the jenmikaram.

(*b*) That when the amount of the Settlement pattamicham is larger than the amount of the jenmivaram by more than ten per cent of the latter, the jenmivaram *plus* ten per cent thereof be fixed as the jenmikaram; and

(*c*) That when the amount of the Settlement pattamicham is less than the amount of the jenmivaram by more than ten per cent of the latter, the jenmivaram *minus* ten per cent thereof be fixed as the jenmikaram;

(*d*) That the jenmikaram so fixed should of course be in every case in lieu of all and every one of the rights of the jenmi in respect of the land; and

(*e*) That the jenmikaram so fixed should not be liable to any variation until a general Revenue Settlement by Government after which, however, the jenmikaram may be enhanced or reduced in proportion as the Settlement pattamicham becomes larger or smaller by the fresh Revenue Settlement.

It will be noticed that the characteristic feature of this formula is that in no case will the amount of the jenmikaram arrived at be larger or smaller than the amount of the jenmivaram, or the jenmikaram under the Amendment Bill, by more than ten per cent. and that, as in the majority of cases the Settlement pattamicham is larger, in amount than the jenmivaram, or the jenmikaram under the Amendment Bill, the jenmi's dues will straightway be enhanced in the majority of cases.

VI. In regard to the immediate acceptance and carrying out of the formula there has been a difference of opinion. The minority (the jenmi members) are of opinion that this formula can be accepted and carried out only if the Government would undertake to collect the jenmikaram just like, and along with, the Sirkar tax and pay it to the jenmi without any application being made by the jenmi for the purpose in each and every case as is provided for in the Bill before the Council. What they want is that the Government should undertake full responsibility for collecting the jenmikaram and paying it over to the jenmi. In fact their position is that the formula itself can be deemed reasonable only if the Government would undertake the responsibility as indicated above. The majority of the Committee are agreeable to the demand of the jenmi members being accepted, and the Committee hereby make a recommendation to Government to accept the request of the jenmi members and they entertain the hope that it will be acceptable to Government. But the majority cannot make it a condition precedent of the formula arrived at being accepted or carried out. For one thing, to tack on a condition relating to the *collection* of the jenmikaram to the formula relating to the fixing of the jenmikaram is, the majority feel, beyond the scope of the reference to the Committee. They feel also that it is primarily for the Government to say whether they could and would accept the responsibility involved in the collection of the jenmikaram as desired by the jenmi members. The majority are therefore of opinion that the formula referred to above may be accepted, and implemented at once, and that, as required by the reference made to the committee, the necessary legislative provisions may be drafted and submitted to the Council,

VII. The Committee feel that it is expedient to draft the legislative provisions as amendments to the Bill as introduced in the Council. In the formula as well as in the legislative provisions what the amount of the jenmivaram should be is a material factor. The Committee have accepted the provisions of the Government Bill, and not of the Bill as revised by the previous Select Committee, for arriving at the amount of the jenmivaram. The former would yield a slightly larger amount than the latter. Messrs. A. S. Damodaran Asan, E. V. Krishna Pillai, K. P. Abraham and Thariathu Kunjithomman desire it to be expressly recorded in this Report that they accept the provisions of the Government Bill not because they are more just than those of the Bill as revised by the previous Select Committee but because they are prepared to yield a point to the jenmis when a jenmikaram is going to be fixed, in lieu of all and every one of the rights of the jenmies in such a manner as would minimise the possibility of controversy and litigation.

VIII. The legislative provisions which the Committee propose are the following :—

CLAUSE II.

1 After Clause II, insert the following clause, namely :—

"IIA. For section 2 of the said Regulation the following shall be substituted, namely,

2. No custom or customary right as between the jenmi and the kudiyan shall prevail unless provided for in this Regulation expressly or by necessary implication."

Under the proposed scheme of things, the jenmi is to get the jenmikaram in lieu of all and every one of his rights. It should follow, therefore, that no right other than that is expressly provided for by this Regulation could enure in favour of the jenmi or the kudiyan. Hence this amendment.

CLAUSE III.

3. In Clause III, after sub-clause (*a*), the following sub-clauses shall be inserted, namely,

" (*a*) (1) In Section 3 (1) of the said Regulation, number the existing Explanation as Explanation 1, and add the following as Explanation 2, namely :—

" Explanation 2.—For the purposes of this definition the payment of jenmikaram shall be deemed to be the payment of michavaram or customary dues and the payment of renewal fees."

" (*a*) (2) In Section 3 (2) of the said Regulation, for the word 'proprietory' the word 'jenmom' shall be substituted, and for the word 'lands' where it occurs a second time, the word 'right' shall be substituted.'

Under the proposed scheme of things, there will be no payment of michavaram or customary dues or renewal fees as such, but there will be only the payment of jenmikaram. In order that the definition of 'jenmom land may be operative even when jenmikaram alone is paid, the Explanation referred to is proposed to be added.

Again, in the new scheme of things, the ownership of the land practically vests in the kudiyan and what the jenmi has is only the right to jenmikaram, which we propose to call the jenmom right. To bring about this idea in the definition of the word "jenmi", the amendment in Clause (*a*) (2) is proposed.

4. For Clause III Sub-clause (*c*), the following shall be substituted, namely :—

" In Section 3 (10) of the said Regulation, the word "annual" shall be inserted before the word "residual" and the word "annually" occurring after the word "deliverable" shall be omitted. "

This change is merely verbal and is intended to make the meaning clear.

5. In the proposed Section 3 (II), Sub-clause (*d*) for all the words occurring after the words "fractional fee" where they occur for the first time, the following shall be substituted, namely,

" and 'fractional fee' means the fee fixed as claimable (in substitution of renewal fees) in annual instalments at the rate of seven per cent. of the aggregate value or amount of the renewal fees due on the expiry of twelve years, or in annual instalments proportionately lower in percentage when renewal on the expiry of any longer period is provided for by the kanapattom. "

6. In Clause III, substitute the following for sub-Clause (*f*) ; (*f*) "In Section 3 of the said Regulation the following shall be substituted for Clause (14), namely :—

"(14). Jenmivaram in respect of a jenmom land or holding means the total of the amounts of the annual michavaram the fractional fee and the commuted cess in respect thereof."

And after Clause (14) so substituted, the following clauses shall be added in Section 3 of the said Regulation namely :—

"(15). Settlement pattom in respect of a jenmom land means the pattom fixed by Our Government for the Land Revenue purposes at a general Revenue Settlement and includes also the proportionate pattom chargeable on each portion of a land wherever the land is divided for any reason. "

"(16). Settlement pattamicham in respect of a jenmom land means its Settlement pattom *minus* the tax due thereon to Our Government."

Explanation.—Wherever the Settlement pattom is fixed in kind, 'tax' means the tax in kind fixed with reference to the Settlement pattom although the tax may be payable to Our Government in money.

"(17). Jenmikaram in respect of a jenmom land or holding means the amount payable in respect of that land or holding under the provisions of this Regulation by the kudiyan to the jenmi every year in lieu of all and every one of the jenmi's claims in respect of the land or holding, such jenmikaram being fixed as follows :—

(*a*) When the Settlement pattamicham with reference to the last general Revenue Settlement and the jenmivaram in respect of any jenmom land or holding are the same in amount or (if they differ) when the amount of the difference between the two is not larger than ten per cent. of the jenmivaram, the Settlement pattamicham shall be the jenmikaram.

(*b*) When the amount of the Settlement pattamicham with reference to the last general Revenue Settlement is larger than the amount of the jenmivaram by more than ten per cent. of the latter, the jenmivaram *plus* ten per cent thereof shall be the jenmikaram.

(*c*) When the amount of the Settlement pattamicham with reference to the last general Revenue Settlement is less than the amount of the jenmivaram by more than ten per cent. of the latter, the jenmivaram *minus* ten per cent. thereof shall be the jenmikaram. "

Explanation 1.—Payment of or the liability to pay the jenmikaram is equivalent to paying, or the liability to pay the michavaram, renewal fees and customary dues."

Explanation 2.—When any jenmom land or holding is divided for any reason, the jenmivaram and the jenmikaram chargeable proportionately on each part shall respectively be the jenmivaram and the jenmikaram due on that part."

"(18). 'Prescribed' means prescribed from time to time by Our Government by Notification in Our Government Gazette."

"(19). 'The Amendment Regulation' means the Travancore Jenmi and Kudiyan (Amendment) Regulation. 110 ."

A definition of the word "improvement" in the manner in which it appears in the existing Regulation does not appear to be necessary, and we propose that it may be omitted. The new definitions, those of 'jenmivaram', 'Settlement pattam'. Settlement pattamicham' and jenmikaram, are inserted with a view to give effect to the formula proposed by the Committee. A definition of the expressions "net produce" "average annual net produce" "margin of profit" and "timber trees" does not appear to be necessary in the proposed scheme of things. Those definitions are therefore omitted.

NEW CLAUSE - CLAUSE III A.

7. After Clause III of the Bill, insert the following Clause, namely:

"III A. In Section 4 of the said Regulation, the word 'his' occurring before the words 'jenmom lands' shall be omitted." This change is only verbal.

CLAUSE IV.

8. For the proposed Sections 5 to 8, the following shall be substituted :—

"5. From and after the commencement of the Amendment Regulation, the jenmi shall not have any right, claim or interest in any land in a holding except the right to receive the jenmikaram thereon, and the kudiyan shall be deemed to be the owner of the land subject only to the payment of the jenmikaram.

Explanation 1.—The jenmi's right as well as the kudiyan's right is heritable as well as transferable by sale gift or otherwise.

Explanation 2. —Notwithstanding any usage or contract to the contrary, no kudiyan has the right to relinquish or apply for permission to relinquish his holding or any portion thereof and no jenmi has the right to evict or sue for the eviction of a kudiyan from his holding or any portion thereof:

Provided that this prohibition shall not affect any order made or decree passed on an application presented or in a suit instituted under the provisions of Regulation, V of 1071 prior to 1st April 1930/19th Meenom 1105, even though the order or decree be made or passed after the commencement of the Amendment Regulation.

Explanation 3.—Notwithstanding any usage or contract to the contrary, every kudiyan has the right to make any use of the land in his holding, to change its character either by converting wet land into garden land or by converting garden land into cultivable wet land, or in any other manner, to cut down and appropriate any trees standing thereon, to alter the course of cultivation in respect thereof, and, in short, to do or suffer anything to be done on the land without reference to, or interference from, the jenmi,

Explanation 4.—Notwithstanding any usage or contract to the contrary, every kudiyan has the right to make any improvement in respect of his holding without reference to, or interference from, the jenmi, and no kudiyan shall thereby become liable to pay any higher jenmikaram on account of any increase of production or any change in the nature of the crop raised in consequence of such improvement.

Explanation 5.—The jenmi's right to the jenmikaram shall be deemed to be immovable property.

6. (1). If in a holding there are more parcels of land than one, each having Settlement pattom assessed separately, the jenmikaram of the entire holdings shall be ascertained in accordance with the provisions of this Regulation and distributed in respect of each parcel of land in the proportion of the Settlement pattamicham bearing on such parcel of land.

(2) The jenmikaram so distributed in respect of each parcel of land shall be the jenmikaram due thereon.

7. If any jenmom land is divided for any reason, the jenmikaram on each portion of the land shall be fixed in the proportion of the Sirkar tax that will be fixed on such portion of land; and the jenmikaram so fixed shall be the jenmikaram due thereon.

8. Notwithstanding any usage or contract to the contrary, it shall not be lawful hereafter to take into account in any case as renewal fees any amount exceeding twenty-five per cent. of the kanom. "

The proposed Section 5 carries out the decision of the Committee. When the jenmi has only the right to receive the jenmikaram and no other right in respect of the land, it must *ipso facto* follow that the kudiyan becomes the virtual owner of the land subject only to the payment of the jenmikaram. And when he becomes the owner, he has the right to cultivate the land in any manner he chooses or to improve it or to make any use of the land, and the kudiyan has no right to surrender the land and the jenmi no right to evict the kudiyan. The Sections 6, 7 and 8 proposed by Clause IV of the Bill have now been drafted as Explanations, as we are of opinion that when the kudiyan's right as an owner is declared, these provisions would come more appropriately as Explanations rather than as direct enactments conferring a right or imposing an obligation.

The proposed Sections 6 and 7 lay down rules for the apportionment of the jenmikaram having regard to the Settlement pattamicham or the Sirkar tax charged or chargeable on a land. The proposed Section 8 is only the proposed Section 17 (2) of the Bill transferred to this place and adapted to the scheme of things now proposed.

9. In the proposed Section 9, the words "and the penalty" shall be omitted.

These words were omitted by the last Select Committee ; in accordance with it the omission is made now also.

10. For the proposed Section 10, the following shall be substituted, namely :—

"10. No. kudiyan shall when, without his consent, the jenmies right in any jenmom land is transferred by sale, gift or otherwise, be liable to the transferee for the jenmikaram which became due after the transfer and was paid to the jenmi whose right was so transferred unless the transferor or transferee has, before the payment, given notice of the transfer to the kudiyan by registered Anchal or post,"

This section is only Section 10 of the Bill as revised by the last Select Committee redrafted to suit the proposed scheme of things.

11. For the proposed Section 11, the following shall be substituted, namely :—

"11. When a jenmom land or holding is divided or is transferred by sale, gift or otherwise by the kudiyan without the consent of the jenmi, the kudiyan shall continue liable for the jenmikaram accruing due after such division or transfer unless and until notice by registered Anchal or Post of the division or transfer, is given to the jenmi by any sharer or by the transferor or transferee, as the case may be, and until pokkuvaravu is effected in the land revenue records in accordance with the division or transfer.

Explanation.—This provision does not affect any liability of any sharer or transferee as between such person and other sharers or the transferor, as the case may be, to pay the jenmikaram".

This is only Section 11 of the Bill re-drafted.

12. For the proposed Section 12, the following shall be substituted, namely :—

"12. No division of the jenmi's right in any jenmom land shall be binding on the kudiyan thereof, unless it is made with the consent of the kudiyan or notice thereof is given to the kudiyan by registered Anchal or post informing him of the prescribed particulars of the division and the jenmikaram which may become due subsequent to such division made without such consent or notice may be paid to the jenmi entitled thereto before such division."

This is only Section 12 (2) of the Bill, as revised by the Committee, redrafted for the present purposes. Section 12 (1) has been incorporated in the Section 11 proposed by us.

13. In the proposed Section 13, omit all the words occurring after the word "kanapattom".

As the jenmikaram is proposed to be paid in lieu of all the rights of jenmi, there is no real scope for any renewal hereafter.

14. For the proposed Section 14, the following shall be substituted, namely :—

"14. (1) Notwithstanding any usuage or contract to the contrary, the jenmikaram of any land shall not be liable to alteration or revision at any time except after any future general Land Revenue Settlement by Our Government.

(2) Whenever Our Government make any general Land Revenue Settlement in the future and the Settlement pattamicham at that Settlement is found to differ from the amount of the Settlement pattamicham with reference to which any jenmikaram has been fixed, that jenmikaram shall be enhanced or reduced in proportion as the settlement pattamicham at the later Settlement is larger or smaller than the Settlement pattamicham at the previous Settlement.

(3) Except under the provisions of this Section, the jenmi shall not be entitled to claim any enhanced jenmikaram and the kudiyan shall not be entitled to reduce the jenmikaram.

(4) The enhanced jenmikaram or the reduced jenmikaram due on a land, as the case may be, shall be payable from the 1st day of Chingam in the year next following that in which the Revenue Settlement comes into

operation in respect of that land, and with effect from that day the enhanced jenmikaram, or the reduced jenmikaram as the case may be, shall be the jenmikaram due thereon."

According to the proposed scheme of things the jenmikaram is expected to be permanent and, in any event, not liable to alteration by the mere act of the parties. When a further Revenue Settlement takes place and Settlement pattom is increased or reduced, it is fair to presume that the productivity or yield of the land has also correspondingly increased or reduced. On that basis, the jenmi would be entitled to enhance the jenmikaram and the kudiyan to reduce the jenmikarm, as the case may be, in like manner as the Settlement pattom has increased or gone down. It is, therefore, provided that any alteration of jenmikaram can take place only after a general Revenue Settlement and having regard to the result of that general Revenue Settlement.

CLAUSE V.

15. For the proposed heading of Chapter III, Part A of the Regulation, the following shall be substituted, namely.—

"Part A. Jenmikaram and its recovery".

CLAUSE VI.

16. For the proposed Section 15, Sub-section (1), the following shall be substituted namely :—

"(1) Every contract of Kanapattom made or renewed after the commencement of the Amendment Regulation shall, in addition to other particulars, specify—

(a) the name, if any, the description and the extent of the holding, and

(b) the Settlement pattom, the Settlement pattamicham, the jenmivaram and the jenmikaram in respect of the land or each of the several parcels of land comprised in the holding."

NEW CLAUSE VI A.

17. After Clause VI of the Bill, the following clause shall be added namely :—

"VI A. In Section 15, Sub-Section (2), clause (a) of the said Regulation, for the words 'michavaram or other dues' the words 'jenmikaram or any portion thereof' shall be substituted,"

CLAUSE VII.

18. For the proposed Section 16, the following shall be substituted, namely :—

"16. No summary suit or claim for enforcing payment of any jenmikaram shall be entertained by the Courts under this Regulation unless either the jenmikaram or the renewal fees and customary dues, with reference to which the jenmikaram has to be ascertained, are specified in the kanapattom or its counter-part duly registered or in a decree of Civil Court obtained in a regular suit between the jenmi and kudiyan",

19. For the proposed Section, 17, the following shall be substituted, namely :—

"17 (1). Subject to the provisions of this Regulation every jenmi shall be entitled to receive and every kudiyan shall be bound to pay in respect of all land in the latter's holding the jenmikaram due thereon and notwithstanding any contract or usuage to the contrary the jenmi shall not be entitled to receive and the kudiyan shall not be bound to pay anything else in respect of the land.

(2) The jenmikaram shall be payable in such instalments and on such dates as Our Government may, by rules made under this Regulation, prescribe, or in the absence of such rules, at or before the close of each Malabar year.

(3) The jenmikaram or any instalment of jenmikaram payable on any date, if it is not paid on or before that date, shall become an arrear on the first day after that date.

(4) An arrear shall bear simple interest at the rate of nine percent. per annum when it is payable in money or in paddy.

(5) When according to the terms of any contract of kanapattam, renewal fees are payable on the expiry of a specified period and part only of such period has expired before the commencement of the Amendment Regulation an amount which bear to the aggregate amount or value of such renewal fees the same proportion as the expired part of the period bears to the whole period specified in the contract, shall be payable by the kudiyan to the jenmi without interest within three years from the commencement of the Amendment Regulation or with interest at six per cent. per annum thereafter within a further period of three years."

This amendment is proposed to suit the proposed arrangement of paying the jenmikaram to the jenmi in lieu of all his rights. The dates for payment and the interest for arrears have been fixed as in the Bill revised by the previous Select Committee.

CLAUSE IX.

20. For Clause IX, the following shall be substituted, namely :—

"IX. Sections 20 to 26 of the said Regulation shall be omitted."

As there is no enhancement or reduction of michavaram or of jemikaram hereafter, except in the manner already provided these Sections are omitted.

CLAUSE X.

21. Clause X shall be deleted and the remaining clauses re-numbered.

For the very same reason as that mentioned above under Clause IX, this Clause is omitted.

CLAUSE XII—(Re-numbered XI).

22. For the number "26 C" of the proposed Section 26 C, substitute "26 A".

CLAUSE XIII—(Re-numbered XII.)

23. In the proposed Section 27, Clause (*a*) omit the word "any instalment of".

24. In the proposed Section 27, Clause (c), omit the numbering '6' and also the words "and the penalty, if any".

CLAUSE XIV.—(Renumbered XIII).

25 In the proposed Clause (d) of Section 28, for the word "full", the word "entire". shall be substituted ; and the word "due" in line 1, and the words "the penalty, if any" shall be omitted.

CLAUSE XV.—(Re-numbered XIV).

20. Add the following as Clauses (c) and (d) to Clause XV of the Bill, namely —

"(c) omit the words 'or other dues' occurring before the word 'Specified' in Section 29 of the said Regulation ;

(d) for the words 'or dues' occurring before the words 'being commuted" in the said section 22, the words 'and the interest, if any due thereon' shall be substituted."

These changes are those adopted by the previous Select Committee.

NEW CLAUSE.—CLAUSE XXI.

27. Insert the following after Clause XXI of the Bill (XX as re-numbered), as clause XXI, namely :—

"XXI. In Section 44 of the said Regulation, for the words 'the provisions of this Regulation shall not apply to' the words 'no jenmikaram shall be recoverable by any jenmi from' shall be substituted."

As the jenmikaram is the only right of the jenmi hereafter. Section 44 is proposed to be altered as above.

CLAUSE XXII.

28. For the proposed Section 45, the following shall be substituted, amely-—

"45. When the jenmi and kudiyan cannot agree as to the apportionment as between them of the compensation money awarded or awardable on the acquisition, under the Land Acquisition Regulation, of any land or portion of land comprised in any holding, the portion due to each shall be determined in accordance with the following rules :—

(a) So much of the compensation money as due to any buildings shall belong entirely to the kudiyan ;

(b) the balance left after deducting the portion of compensation money referred to in rule (a) shall belong to the jenmi and the kudiyan in the proportion of the jenmikaram charged or chargeable on the land or portion of land and the average annual net produce of the land or portion of land, as the case may be ;

Provided that if the capitalised value of the jenmikaram is smaller than such share of the jenmi the capitalised value alone shall belong to the jenmies and all the rest shall belong to the kudiyan.

Explanation:—

1. The capitalised value of any jenmikaram means an amount equal to twenty-five times the amount of the jenmikaram.

2. 'Net produce' means the surplus remaining after deducting from the gross produce of any land a portion equivalent in value to the cost of cultivation and the Sirkar tax and cesses, if any, and the jenmikaram chargeable on such land, and includes the value of such surplus.

3. 'Average annual net produce' means the net produce ascertained as derivable on an average for one year, by calculation of the net produce for each year during a period of not less than ten years immediately preceding the date of such ascertainment,

4. When a portion alone of a land is acquired, the portion of jenmikaram chargeable on that land shall be ascertained as if the land had been divided, and the Jenmikaram of the portion of land acquired shall cease to be payable to the jenmi."

This change is made to suit the proposed scheme of things. Messrs, A. S. Damodaran Asan, E. V. Krishna Pillai,, K. P. Abraham, and Tariatu Kunjitomman, desire to be recorded that they agree to the jenmikaram being capitalised at twenty-five times the amount of the jenmikaram rather than at twenty times as in the Bill revised by the previous Select Committee, because the jenmikaram under the proposed scheme of things is not liable to variation by the mere act of parties.

29. The proposed Section 46 shall be omitted.

The Committee do not think that, in the proposed scheme of things. there is necessity for the provisions contained in the proposed Section 46.

30. The proposed Sections 47 (1) and 48 shall be re-numbered as 46 and 47, respectively.

31. In the proposed Section 47 (1), *i, e.*, the proposed Section 46, as re-numbered, insert the following words between the word "prescribed" and the word "fix" namely:—

"in accordance with the rules to be passed by Our Government after previous publication".

32. The proposed Section 47 (2) and (3) in the Bill, shall be omitted.

The changes in regard to the proposed Section 47 in the Bill are those adopted by the previous Select Committee.

IX. A copy of the Bill as revised by us, that is to say, having the aforesaid provisions incorporated therein is appended hereto.

K. PARAMESWARAN PILLAI. (Sd.)
(Subject to a separate note)
E. V. KRISHNA PILLAI. (Sd,)
K. P. ABRAHAM. (Sd.)
ഭിന്നാഭിപ്രായമുണ്ട്.
വി. എൻ. ജാതവേദൻ നമ്പൂരിപ്പാട് (ഒപ്പ്).
എനിക്ക ഇതിൽ നിന്നും ഭിന്നാഭിപ്രായമുണ്ട്.
സി. എൻ. ഇട്ടൻനമ്പൂരി (ഒപ്പ്).
N, R. NAMBURIPAD, (Sd.)
(Subject to a dissenting minute).
A. S. DAMODARAN ASAN. (Sd.)
ഇലഞ്ഞിക്കൽ തര്യതു കുഞ്ഞിത്തൊമ്മൻ (ഒപ്പ്).

ജന്മികുടിയാൻ സെലക്ട് കമ്മിററിയിലെ ജന്മി മെംബർമാർ സമർപ്പിച്ച
ഭിന്നറിപ്പോർട്ട്.

ഭൂരിപക്ഷം റിപ്പോർട്ടിൽ V-ാം വകുപ്പിൽ 'എ' മുതൽ 'ഈ' വരെയുള്ള തത്വങ്ങൾ ഞങ്ങൾ സമ്മതിച്ചിട്ടുള്ളത്, യോജിപ്പിനുവേണ്ടി രാജിയായിട്ടാണ്. ഈ തത്വങ്ങൾപ്രകാരം തീർച്ചപ്പെടുത്തുന്നതായ ജന്മിക്കരം ഗവൺമെൻറ പിരിച്ചു ജന്മിക്കു കൊടുക്കാം എന്നുള്ള വ്യവസ്ഥയിന്മേൽ മാത്രമാണ്, ഈ തത്വങ്ങളുടെ ന്യായാന്യായതയെപ്പററി ആലോചിച്ചിട്ടില്ല. ഞങ്ങൾ ഇവയെ സ്വീകരിക്കുന്നതു എന്നു പ്രത്യേകം വിശദമാക്കേണ്ടിയിരിക്കുന്നു. എന്നാൽ രാജിപ്രകാരമുള്ള ഗവൺമെൻറിൻെറ ബാദ്ധ്യത സർക്കാരിനു ഏറെറടുക്കാൻ സമ്മതമാണോ എന്നു അറിയുന്നതിനു മുമ്പിൽ, ഈ രാജിപ്രകാരമുള്ള തത്വങ്ങളെ അടിസ്ഥാനപ്പെടുത്തി നിയമത്രൂപീകരണം ചെയ്യുന്നതു ശരിയല്ല എന്നു അഭിപ്രായപ്പെട്ടു, ഭൂരിപക്ഷ റിപ്പോർട്ടിൽ കാണുന്ന ഭേദഗതികളുടെ ഗുണദോഷങ്ങളെപ്പററി ഞങ്ങൾ ചിന്തിച്ചിട്ടില്ലാത്തതും, അവ ഞങ്ങൾക്കു സമ്മതമില്ലാത്തതും ആകുന്നു. ഗവൺമെൻറിൽനിന്നും നെല്ലു പിരിച്ചു തരേണ്ടതു ഗവൺമെൻറ നിരക്കു അനുസരിച്ചല്ല, കമ്പോളനിരക്ക് അനുസരിച്ചാണ് എന്നുകൂടി പ്രസ്താവിക്കേണ്ടിയിരിക്കുന്നു.

തിരുവനന്തപുരം,
൧൧൦൭ മീനം ൨൦-നു

എൻ. ആർ. നംപൂതിരിപ്പാട്
വി. എൻ. ജാതവേദൻ നംപൂരിപ്പാട്
സി. എൻ. കുപ്പൻനംപൂരി

Separate Note by Mr. Kayalam Parameswaran Pillai.

When the Bill was recomitted, the Government hoped that some working formula based throughout on mutual agreement would be produced and that it would be possible for the Council to proceed on a basis of agreement which the Government would welcome so much in this legislation. Though a formula has been adopted by the Committee as affording a practical solution, it cannot be said that the acceptance and the implementing of it would have the support of mutual agreement at present. If, however, Government find it possible to undertake responsibility for the collection of the jenmikaram as demanded by the jenmi members there would be mutual agreement forthwith, as the majority also are for their part agreeable to the method of collection demanded by the jenmi members. In the circum stances, I do not dissent from the majority view, but I must even now say that I reserve the right to take a different view, if found necessary, at any future time.

2nd April 1932.

K. PARAMESWARAN PILLAI,

തിരുവിതാംകൂർ ജന്മികുടിയാൻ ഭേദഗതിബിൽ സെലക്ട്കമ്മററി തിരുവനന്തപുരം ഡിവിഷനിലെ തെളിവെടുപ്പു സംബന്ധിച്ചു മെമ്പർ സി. എൻ. കുപ്പൻനംപൂതിരി സമർപ്പിക്കുന്ന റിപ്പോർട്ട്.

൧൧൦൭ മകരം ൯-നു കൂടിയ സിലക്ട് കമ്മററിയോഗത്തിൽനിന്നും നിശ്ചയിച്ചു പ്രസിദ്ധം ചെയ്തിരുന്ന പ്രോഗ്രാം അനുസരിച്ചു ൧൧൦൭ മകരം ൨൯-നു മുതൽ വിചാരണ ആരംഭിച്ചു. കൂട്ടുമെമ്പരായ മിസ്റ്റർ കുഞ്ഞിത്തൊമ്മന് ദേഹസുഖമില്ലാതിരുന്നതിനാൽ വന്നുചേരുന്നതിനു നിവൃത്തിയില്ലെന്നുള്ള കമ്പിയും അതോടൊന്നിച്ചു മറ്റുമെമ്പറുടെ അറിയിപ്പും കാലേക്കൂട്ടി കിട്ടിയിരുന്നതിനാൽ ഞാൻ തനിച്ചാണ് സഞ്ചരിച്ചു തെളിവെടുത്തിട്ടുള്ളത്. കൂടെ ക്ലാർക്ക എൻ. കൃഷ്ണൻപോററിയും ഒരു പ്യൂണും ഉണ്ടായിരുന്നു. ആദ്യമായി എടവാക്കുടി താലൂക്കുകച്ചേരിയിൽ മകരം ൨൯-നു വിചാരണ ആരംഭിച്ചു. കൽക്കുളം തിരുവട്ടാററ്), വിളവങ്കോട്ട, നെയ്യാററുങ്കര, തിരുവനന്തപുരം, നെടുമങ്ങാട്ട, ചിറയി

ൻകീഴ് (ആറുപേർ) ഈ താലൂക്കുകച്ചേരികളിൽ ഹാജരായി തെളിവെടുക്കപ്പെട്ടു. എല്ലാ താലൂക്കുകച്ചേരികളിലും തഹശീൽദാരന്മാരും മററു സിൽബന്ധികളും വേണ്ട സൌകര്യങ്ങൾ ചെയ്തിട്ടുണ്ടായിരുന്നു. മിക്ക സ്ഥലങ്ങളിലും ജന്മിമെമ്പർ തെളിവെടുക്കുന്നതു് സമ്മതമല്ലെന്നും, കുടിയാന്മാരെ ക്രാസുചെയ്യാൻ കുടിയാൻ ഭാഗത്തേക്കു ആളില്ലെന്നും ഉള്ള വാദവും ശക്തിയായി ഉണ്ടായിരുന്നു. കൽക്കുളം താലൂക്കിലെ വിചാരണയിൽ കുടിയാൻ ഭാഗത്തുനിന്നും ഉണ്ടായിട്ടുള്ള ഭിന്നാഭിപ്രായങ്ങളെ മിസ്റ്റർ ടി. കുമാരപിള്ളയുടെ സഹായസഹകരണങ്ങളാൽ ഒരു വിധം സമാധാനമായി തെളിവെടുക്കപ്പെട്ടു. ഒരു സ്ഥലത്തും മൊഴി വാങ്ങിക്കയുണ്ടായിട്ടില്ല. ആകെ തിരുവനന്തപുരം ഡിവിഷനിൽ ൨൪൪ കാണയാധാരങ്ങൾ പരിശോധിച്ചു ഫാറം തയ്യാറാക്കപ്പെട്ടു. ഹാജരാക്കിട്ടുള്ള പണ്ടാരവക, ശ്രീപണ്ടാരവക, സർക്കാർ ദേവസ്വം ഈ ഇനങ്ങളിൽപെട്ട വസ്തുക്കളുടെ അനേകം ആധാരങ്ങൾ തള്ളപ്പെട്ടിട്ടുണ്ടു്. അപൂർണ്ണമായ ഫാറങ്ങളും ഹാജരാക്കപ്പെട്ടിട്ടുണ്ടു്. ഈ ഭേദഗതിയനുസരിച്ചു് ഒരു നിയമം രൂപീകരിക്കുന്നതിനെപ്പററി ചില അഭിപ്രായവ്യത്യാസങ്ങൾ കുടിയാൻഭാഗത്തുനിന്നും പുറപ്പെടുവിച്ചിട്ടുണ്ടു്. ബിൽ രൂപീകരിക്കുന്നതിൽ വ്യവസ്ഥപ്പെടുത്തേണ്ടുന്നുള്ള സംഗതികളെ കാണിച്ചു മൊഴിവാങ്ങുന്ന അവസരത്തിൽ കൂടുതൽ വിവരം അറിയിച്ചു കൊള്ളാമെന്നും വിവരിച്ച ചില മെമ്മോറിയലുകളും കിട്ടീട്ടുണ്ടു്. കൂടാതെ ജന്മിമാർ അമ്പൽമാസ്റ്റും അയച്ചിട്ടുള്ള റസലൂഷൻസും കമ്മറ്റിക്കു കിട്ടീട്ടുണ്ടു്. അവയും, ആധാരങ്ങൾ പരിശോധിച്ചു തയാറാക്കിയ ഫാറങ്ങളും ഇതോടൊന്നിച്ചു ചേർത്തിരിക്കുന്നു. തെളിവെടുപ്പിൽ കിട്ടിയ കണക്കുകളുടെ ഫലം ഓരോ താലൂക്കിലെയും പ്രത്യേകമായി താഴെ ചേർത്തിരിക്കുന്നു.

കണക്കുകൾ.

൧. അഗസ്തീശ്വരം താലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൪-ൽ ജന്മിക്കു ലാഭമുള്ളവ ൨-ക്കു ഗവമെന്റു ബില്ലിൻപടി കരം പണം ൩൩ ചക്രം ൩ കാശു ൧൦ സെററിൽമെന്റിൻപടി പാട്ടം പണം ൨൦൪ ചക്രം ൧ കാശു ൧൧. വ്യത്യാസം പണം ൧൪൦ ചക്രം ൨ കാശു ൧-ക്കു ൨൨൨ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമുള്ള ആധാരം ൨-ക്കു ഗവമെന്റു ബില്ലിൻപടി പണം ൬൨ ചക്രം ൨ കാശു ൩. സെററിൽമെന്റിൻപടി പണം ൨൧ ചക്രം ൧ കാശു ൨. വ്യത്യാസം പണം ൩൧ ചക്രം ൧ കാശു ൧-ക്കു ൭൪ ശതമാനം കുടിയാനു ലാഭം.

൨. കൽക്കുളം താലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൪൮-ൽ ജന്മിക്കു ലാഭമുള്ളവ ൨൩-ക്കു ഗവമെന്റു ബില്ലിൻപടി കരം പണം ൧൧൨൮ ചക്രം ൩. സെററിൽമെന്റിൻപടി പണം ൨൦൩൩ കാശു ൩. വ്യത്യാസം പണം ൯൧൦ ചക്രം ൧ കാശു ൩-ക്കു ൬൦ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമുള്ള ആധാരം ൧൯-ക്കു ഗവമെന്റു ബില്ലിൻപടി കരം പണം ൧൧൭൮. സെററിൽമെന്റിൻപടി പണം ൭൨൪ ചക്രം ൨ കാശു ൧൩. വ്യത്യാസം പണം ൪൮൦ ചക്രം ൧ കാശു ൩-ക്കു ൩൬ ശതമാനം കുടിയാനു ലാഭം.

൩. വിളവങ്കോട്ടതാലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൩൮-ൽ ൨൪ ആധാരം ജന്മിക്കു ലാഭമായിട്ടുള്ളതിനു ഗവമെന്റു ബില്ലനുസരിച്ചു കരം പണം ൬൮൦ ചക്രം ൨ കാശു ൩. സെററിൽമെന്റിൻപ്രകാരം പാട്ടം പണം ൧൩൭൯ ചക്രം ൧. വ്യത്യാസം പണം ൭൮൬ ചക്രം ൨ കാശു ൧൦-ക്കു ൧൧൯ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമായ ആധാരം ൧൧-ക്കു ഗവമെന്റു ബില്ലനുസരിച്ചു കരം പണം ൩൭൬ ചക്രം ൧ കാശു ൧൦. സെററിൽമെന്റിൻപടി പാട്ടം പണം ൨൧൦ ചക്രം ൩ കാശു ൧൦. വ്യത്യാസം പണം ൪൩൭ ചക്രം ൨-ക്കു ൩൬ ശതമാനം കുടിയാനു ലാഭം.

൪. നെയ്യാറ്റിൻകര താലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൩൫-ൽ ജന്മിക്കു ലാഭമായ ആധാരം ൧൫-ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ച കരം പണം ൪൦൴ ചക്രം ൧ കാശു ൧൨. സെറ്റിൽമെന്റിൻപടി പാട്ടം പണം ൯൭൨ ചക്രം ൧ കാശു ൧൩, വ്യത്യാസം പണം ൫൩൪ കാശു ൧൧ക്ക ൧൩൴ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമായ ആധാരം ൨൦ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചു കരം പണം ൧൪൧൫ ചക്രം ൩ കാശു ൨, സെറ്റിൽമെന്റിൻപടി പണം ൫൴൧ ചക്രം ൩ കാശു ൧. വ്യത്യാസം പണം ൴൩൪ കാശു ൧ക്ക ൫൴ ശതമാനം കുടിയാനു ലാഭം.

൫. തിരുവനന്തപുരം താലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൪൦-ൽ ജന്മിക്കു ലാഭമായ ആധാരം ൨൨-ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചു കരം പണം ൧൯൦൭ സെറ്റിൽമെന്റിൻപടി പണം ൨൭൧൩ കാശു ൧൧. വ്യത്യാസം പണം ൴൫൬ കാശു ൧൧ക്ക ൪൨ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമായ ആധാരം ൧൴ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ച കരം പണം ൴൨൬ ചക്രം ൨ കാശു ൧൧. സെറ്റിൽമെന്റിൻപടി പണം ൬൦൪ കാശു ൧൦. വ്യത്യാസം പണം ൨൨൨ ചക്രം ൨ കാശു ൧ക്ക ൨൬ ശതമാനം കുടിയാനു ലാഭം.

൬. നെടുമങ്ങാട്ടു താലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൩൮-ൽ ജന്മിക്കു ലാഭമായ ആധാരം ൧൭ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചുള്ള കരം പണം ൯൨൬ ചക്രം ൧ കാശു ൯ സെറ്റിൽമെന്റു അനുസരിച്ചു പാട്ടം പണം ൧൬൴൬ ചക്രം ൨ കാശു ൪ വ്യത്യാസം പണം ൭൬൦ കാശു ൧൧ക്ക ൴൨ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമായ ആധാരം ൧൭ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചു കരം പണം ൧൭൬൦ ചക്രം ൨ കാശു ൯. സെറ്റിൽമെന്റിൻപടി പണം ൧൦൦൨ ചക്രം ൧ കാശു ൪. വ്യത്യാസം പണം ൭൫൴ ചക്രം ൧ കാശു ൫ക്ക ൫൩ ശതമാനം കുടിയാനു ലാഭം.

൭. ചിറയിൻകീഴ് താലൂക്കിൽ ആകെ പരിശോധിച്ച ആധാരം ൫൧-ൽ ജന്മിക്കു ലാഭമായ ആധാരം ൨൫ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചു കരം പണം ൧൭൦൨ ചക്രം ൩ കാശു ൧൨ സെറ്റിൽമെന്റിൻപടി കരം പണം ൨൬൫൴ ചക്രം ൧ കാശു ൫. വ്യത്യാസം പണം ൯൫൫ ചക്രം ൧ കാശു ൯ക്ക ൫൬ ശതമാനം ജന്മിക്കു ലാഭം. ടി താലൂക്കിൽ കുടിയാനു ലാഭമായ ആധാരം ൨൬ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചുള്ള കരം പണം ൧൧൪൨ കാശു ൪. സെറ്റിൽമെന്റിൽപടി കരം പണം ൭൭൫ ചക്രം ൨ കാശു ൬. വ്യത്യാസം പണം ൩൬൮ ചക്രം ൧ കാശു ൧൪ക്ക ൩൧ ശതമാനം കുടിയാനു ലാഭം.

ഏഴു താലൂക്കുകളിലുംകൂടി ആകെ ൨൪൮ ആധാരം പരിശോധിച്ചതിൽ ജന്മിക്കു ലാഭമായി കണ്ട ആധാരം ൧൩൴ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചു കരം പണം ൬൯൨൴ കാശു ൧. സെറ്റിൽമെന്റിൻപടി പാട്ടം പണം ൧൧൴൴൦ ചക്രം ൧ കാശു ൯. വ്യത്യാസം പണം ൪൴൯൫ ചക്രം ൧ കാശു ൴ക്ക ശരാശരി ൭൦ ശതമാനം ജന്മിക്കു ലാഭം. കുടിയാനു ലാഭമായി കണ്ട ആധാരം ആകെ ൧൧൩ക്ക ഗവണ്മെന്റു ബില്ലനുസരിച്ചു കരം പണം ൭൦൴൧ കാശു ൭. സെറ്റിൽമെന്റിൻപടി പാട്ടം പണം ൩൯൨ ചക്രം ൨ കാശു ൧൪. വ്യത്യാസം പണം ൩൧൫൴ ചക്രം ൧ കാശു ൯ക്ക ശരാശരി ൪൪ ശതമാനം കുടിയാനു ലാഭം.

ഇവ രണ്ടും തമ്മിലുള്ള വ്യത്യാസം ൨൬ ശതമാനം മാത്രമാണ്.

തിരുവനന്തപുരം,
൧൦൭ മീനം ൩-൮-.

സി. എൻ. ഇട്ട്യൻനമ്പൂരി.

APPENDIX B.

STATEMENT

By Messrs. A. S. Damodaran Asan and
N. Raman Nampuripad.

To the Jenmi and Kudiyan Select Committee.

According to the programme, this party consisting of ourselves (*i. e.*, A. S. Damodaran Asan and N. Raman Nampuripad) a clerk and a peon visited all the Taluks except Shenkottah in the Quilon Division. Owing to indisposition, Mr. Raman Nampuripad was unable to be present at Pathanamthitta campshed. In all the taluks except Ampalapuzha both the parties jenmies and kudiyans were present to help the committee by furnishing the necessary material. Though there are 880 items of Kanappattam properties in the Ampalapuzha taluk, we were told that the parties are indifferent to the work of the committee members as the Kanapattom holding formed only an insignificant portion of their wealth.

The total number of Kanappattom transaction, about which full details were recorded by the Committee, is 547. In certain cases the parties themselves have noted down the necessary information from their records and produced the same before the committee members. The lists thus supplied are forwarded herewith separately.

The question referred to the Select Committee is the following:

"Whereas in respect of Kanappattom lands, an arrangement can reasonably be made that the pattom of such lands be taken to be the same as the pattom fixed for Land Revenue purposes and out of that pattom, whatever is left after deducting the Sirkar tax, be taken to be the jenmi's due in lieu of all and every one of their claims and if any such arrangement can reasonably be made, to draft and submit the necessary legislative provision for the same."

We have analysed the figures collected to ascertain how the proposed change would affect the parties concerned, Our opinion is that when the change would not vary the existing dues by more than 10 per cent. the change could be considered to be unsubstantial. On that assumption in 68 out of 547 cases (*i. e.*, 12½ per cent) the change is not substantial. In the balance of 87½ of the cases the change appears to materially affect one or other of the parties. In 286 cases (*i. e.*, about 52 per cent.) the kudiyan suffers substantial loss and in 193 cases (*i. e*, about 35½ per cent.) the jenmi suffers substantial loss. In 161 cases (*i. e.*, about 30 per cent.) the kudiyan has to pay more than double the dues he is bound to pay under the amendment Bill and in 96 cases (*i. e.*, about 18 per cent.) the jenmi would get only less than half of what he is to get under the Amendment Bill. Thus we find that while there are only about 12½ per cent of the parties that would not be substantially affected, the proposal would work highly inequitably upon 30 per cent of the kudiyans and 18 per cent. of the jenmies. We have come across cases in which the jenmies dues would be reduced to 1/50 and those in which the kudiyan's liability would be enhanced to 15 times if the proposal is brought into effect.

At Quilon, Kottarakkara and Kunnathur memorials have been submitted by the kudiyans praying that where dues are payable in paddy, they may be converted into money as the rate at which Sirkar tax is now paid. Since this question is beyond the scope of the reference to the Select Committee and the jenmis have serious objection to this course, we fear that we are not competent to consider the proposal on the merits.

It is not difficult to find out the main reason for the wide divergance between the jenmikkaram and the Settlement pattom less Sirkar tax in such a large number of cases. A very important factor governing the fixing of jenmikkaram is kanom amount while the Settlement pattom has nothing to do with the kanom amount. Though one-eighth of the Settlement pattom is the Sirkar tax for kanappattam lands we find that this proportion is not maintained in a considerable number of cases, Moreover by the Karampathippu Rules the tax on kanappattom lands of non-Brahmin jenmis is fixed as half of the Settlement pattom. We were told by persons who have served the Government during the last Settlement that there were confidential circulars to the effect that the existing tax on those lands is not reduced by the new Settlement. It appears that owing to this fact the 'Tharom' of the kanappattom lands had to be fixed higher that that of the pandarappattom lands of similar quality in the locality since in the previous Settlement the tax on kanappattom lands varied from one-eighth to two-fifth. Certain cases in which the jenmikkaram is inequitably heavy was also brought to our notice. We think that the Settlement pattom minus Sirkar tax may be taken for moderating jenmikkaram so that the dues may be enhanced where it is too light or reduced where the burden is too heavy. We have no objection to fix the jenmi's dues as the cases arise. A very important factor governing the fixing of jenmikkarom is kanom amount while the Settlement pattom or S rkar tax has nothing to do with the kanom amount. We learn that at the last General Revenue Settlement the officers deputed for the same had instructions that they should see that the existing tax on lands is not reduced by the new Settlement. And from the Settlement Proclamation it could be seen that while at the last Settlement the tax on jenmom lands was fixed as one-eighth of the Settlement pattom, it varied from one-eighth to two-fifths of the Settlement pattom at the prior Settlement. Due to the above facts in many cases the "Tharom" of the kanappattom lands had to be fixed higher than that of the pandarappattom lands of similar quality in the locality. It should also be remembered that by the Karampathippu Rules the tax on Kanappattom lands of non-Brahmin jenmis is half of the Settlement pattom. Thus we see that though both jenmikkaram and Settlement pattom minus Sirkar tax are founded upon the yield of the property there are certain factors which cause some divergance between them. We give below an abstract statement of the number of documents we have examined and the results we have obtained.

N. R. NAMBUDIRIPAD.
A. S. DAMODARAN ASAN.

Taluk.	No of cases recorded.	No. of cases in which there is no substantive alteration *i. e.* below 10 per cent.	No. of cases in which the jenmi is adversely affected.	No. of cases in which the kudiyan is adversely affected.	No. of cases in which the jenmi's dues is reduced to less than ½	No. of cases in which the kudiyan's liability is more than doubled.	Maximum divergence in both directions.
Mavelikara .	105	12	26	67	11	40	1/6 & 15
Kartikappally .	36	5	27	4	18	1	1/50 & 2½
Karunagapplly .	45	7	17	21	14	12	1/10 & 3
Quilon .	39	4	11	24	4	15	1/6 & 6
Kottarakkara .	48	6	14	28	2	16	1/3 & 5½
Pathanapuram .	62	8	19	35	7	16	1/2 & 4½
Kunnathur .	73	8	25	40	10	30	1/7 & 12
Pathanamthitta .	49	7	15	27	10	14	1/6 & 6
Thiruvalla .	90	11	39	40	22	17	1/10 & 10
Total .	547	68	193	286	98	161	1/50 & 15

APPENDIX C.

STATEMENT

to

The Select Committee, Jenmi and Kudiyan Regulation (Amendment) Bill

by

Messrs V. N. Jatavedan Nambooripad,
,, E. V. Krishna Pillai, B. A., B. L., and
,, Kottalil P. Abraham, B. A., B. L., being the members of the said committee appointed to tour the Kottayam Division.

Sirs,

We, the undersigned, beg to state as follows:—

In pursuance to the programme of tour settled for the Kottayam Division and published in the Government Gazette, our party (consisting of Messrs. V.N. Jathavedan Nambooripad, E. V. Krishna Pillai and Kottalil P. Abraham) attended by a clerk and a peon started work at Shertallai on the 20th Makarom 1107 and halting there for 1 day, at Vaikom for 2 days, at Alwaye Perumbavoor, Puthencruz, Muvattupuzha, Thodupuzha, Koothattukulam and Piravom for 1 day each, at Palai for 3 days, at Kidangoor for 2 days, and at Kottayam and Changanacherry for 1 day each, finished our tour on the 14th Kumbhom 1107. It may be observed that the stations of our halt were found to be very convenient centres for jenmis and kudiyans to appear in large numbers before us with necessary documents. All the members of our party were present at all the appointed centres and we were glad to find jenmis and kudiyans at each Station taking a keen interest in our work; and no one could fail to note the earnestness and enthusiasm with which they rushed to us for producing and explaining the documents each possessed. We had the

opportunity of examining numerous kanom deeds and we could record the contents of as many as 482 of such documents, taking particular care to note down every variety of Kanappattom and the documents relating to each of the several jenmis that came to our notice. Besides the largeness in number of the documents submitted for our inspection, the amazing variety of the terms contained in them, and the ardent zeal evinced by each party to get every document scrutinized and recorded by us did indeed throw upon us a burden which we had to strive hard to bear.

The 482 Kanom deeds recorded by us at the several stations relate to lands belonging to 243 jenmis and their contents are noted down in the prescribed forms, showing the particulars as they appeared in the original documents. The Settlement Registers and Survey Plans of the properties covered by the deeds examined were produced for our convenient reference by the Revenue Officers of the Taluks visited by us, and so we have been able to record also in the prescribed form the necessary particulars appearing in the Settlement Registers. The entries in the prescribed form will show the amounts of the various items stipulated in the Kanom deeds, and the amounts of the Settlement pattom and the Sirkar tax found in the Settlement Registers. For purposes of easy comparison we found it necessary to prepare another statement in which all the different particulars are reduced to *chuckrams.* A glance at that statement will show clearly the proportion which the amount of " Settlement pattom *minus* Sirkar tax " bears to the sum total of the existing dues as well as to the amount of the proposed jenmikarams in each case. We have also taken pains to prepare further, an Abstract statement, as shown at the foot, showing the percentage of loss or gain as regards the parties concerned in the Kottayam Division if the " Settlement pattom minus Sirkar tax " be adopted as the jenmi's annual dues in substitution of all their rights.

A perusal of the above mentioned statements compels us to make the following observations. The Council's mandate to the Committee is to see whether, after taking evidence, the " Settlement pattom *minus* Sirkar tax " may be fixed as the jenmi's dues in lieu of all and every one of his rights over the kanapattom properties or whether some such arrangement can reasonably be made whereby a settlement of the questions between the jenmis and the kudiyans can be reached. We may at once say, from the statistics prepared, that the ' settlement pattom *minus* Sirkar tax,' hits hard the jenmis and the kudiyans in varying degrees. Both the jenmis and the kudiyans alike object to the substitution of the jenmis' existing dues by " Settlement pattom *minus* Sirkar tax,' though their grounds of objection are different. Several parties brought to our notice the unequal treatment shown in respect of jenmom lands as compared with the Sirkar lands at the time of the last Revenue Settlement. On a reference to the Survey Plans and the Settlement Registers, we could observe the *tharam* of jenmom lands in certain cases to be very much higher than that of the closely adjacent Sirkar lands of the same description. It is needless to state that the pattom of a land increases or diminishes as its *tharam* is raised or lowered. The ground stated for the apparent variation in *tharam* between jenmom lands and Sirkar lands in the close neighbourhood is that the Government had issued instructions to the last Settlement authorities to see that on no account the Sirkar tax on jenmom lands should go down. It has also to be stated that the ' Settlement pattom minus Sirkar tax ' is a standard in disregard of the kanom amounts paid by the kudiyans to the jenmis. The jenmis would raise as an objection that under the proposal of ' Settlement pattom minus Sirkar tax.' They stand to lose all their chance of future rights whereby the existing pattom could be enhanced on renewals.

Various suggestions, however, were put forward by both the jenmis and kudiyans and both parties have also given us petitions to be presented before the Committee. However different might be the views of those various persons, representing divergent interests, on the changes proposed in the existing law, it is worth mentioning that all parties concerned seemed to be unanimous in their intense desire to get the problem solved once for all and the law settled permanently. We could also understand from informal talks that the jenmis and the kudiyans showed commendable willingness and spirit of sacrifice for the paramount purpose of setting at rest the varied and thorny questions relating to their mutual relationship. This does not mean that there were not, however, a few jenmis who frankly owned their inability to appreciate any change of the existing law.

Some jenmis advanced the view that it would be a welcome step if they were given in lieu of all and every one of their rights over the kanapattom lands an amount in a lump, the interest on which at 6 per cent. per annum would work out the jenmikarom mentioned in the Government Bill. Some others would be satisfied with a proportionate share of the lands allotted to them, with absolute powers, out of the possession of the kudiyans; but a large number of jenmis expressed their dissent to this suggestion. Both jenmis and kudiyans in some places said that the Government should be moved to make use of the Land Mortgage Bank for the kudiyan's purchasing the jenmi's rights and their paying the purchase money through the aid of the Land Mortgage Bank in instalments. At Kidangoor the jenmis and kudiyans went to the extent of suggesting that any arrangement may be fixed upon which does not materially alter the amount of the present dues to the jenmis, one necessary condition being that the jenmis' dues shall be realised through the agency of the Sirkar. Both parties however wanted to have the commutation rate for paddy permanently fixed.

Most of the kudiyans at the centres of Puthencruz, Koothattukulam, Piravom, Kottayam and Changanacherry were ready with facts and figures to prove that they are already rack-rented on account of the successive renewals resorted to by the jenmis from time to time, and that any proposal by which the existing liabilities are enhanced would be exceedingly unbearable. They alleged that with the progressive deterioration of soil, the increase in labour charges, the scarcity of manure, and other disadvantages they find themselves quite unable to satisfy the jenmis who always look forward for renewals only to increase the kudiyan's liabilities. These allegations are stoutly opposed by certain jenmis. The scope of our enquiry being of a limited character, we did not pause to consider these aspects of the question to their entire extent. We need only refer to them to observe that things have reached such a stage that unless the whole question is approached with boldness and courage and with a firm determination to solve it once for all, there will be increasing disquiet in regard to this very important question.

It has to be noted that the proposal for substituting the 'Settlement Pattom minus Sirkar tax' in place of all the various dues to the jenmi seemed acceptable to the Council as introducing a new method of solving the question once for all. The principle of the proposal, we think, may be adopted to arrive at a definite arrangement; but in view of the abnormal variations noticed in certain instances like the following, some restriction has to be made in its general application. There are cases in which the Sirkar tax is equal to, or even in excess of, the Settlement Pattom. The jenmis' dues in those cases, of course, become reduced to cipher In other instances, we find that the Settlement Pattom after deducting the Sirkar tax therefrom rises up

to 25 times the amount of the dues now paid by the kudiyan. These indeed are extreme cases. The abstract statement of statistics attached herewith and the figures recorded in the prescribed forms will disclose that the variations from the existing dues on account of the adoption of the Settlement figures are not all uniformly abnormal. [The figures further disclose that the annual jenmikaram as fixed by the Government Bill or by the previous Select Committee is far larger than the annual michavarom and the customary dues that are being paid now, nevertheless the jenmikaram is the amount on which the jenmis and kudiyans have to agree, and a fair variation from that amount either way cannot seriously injure either side. The Settlement Pattom *minus* Sirkar tax' should be so fixed as not to increase or reduce the jenmikaram by more than 10 per cent. of the latter. In our opinion such an arrangement will be reasonable and conducive to the harmonious relationship between the jenmis and the kudiyans in the State. We also desire to suggest that when the dues are fixed they may be realised from the kudiyans through the agency of the Sirkar.]

The following is the Abstract Statement showing in what way the proposal based on 'Settlement Pattom *minus* Sirkar tax' affects the existing dues to the jenmis in the cases recorded in the Kottayam Division.

Serial No.	Stations	No. of cases recorded	No. of cases in which there is no substantial alteration	No. of cases in which the jenmi is adversely affected by new proposal	No. of cases in which the kudiyan is adversely affected	No. of cases in which the jenmi's dues is reduced to less than one-half	No. of cases in which the kudiyan's liability is more than double	Maximum and minimum limits of variation what fold or what portion
1	Sherthala	21	7	10	4	5	Nil	2 to 1/5
2	Vaikom	101	22	33	46	23	25	12 to 1/48
3	Alwaye	28	11	9	8	4	6	5 to 1/8
4	Perumbavoor	28	6	8	14	6	9	13 to 1/3
5	Puthencruz	44	8	7	29	2	23	25 to 1/3
6	Muvattupula	28	3	10	15	6	5	4 to 1/45
7	Thodupula	18	5	5	8	3	3	12 to 1/13
8	Koothattukulam	15	2	1	12	Nil	4	5 to 1/4
9	Piravom	41	3	9	29	2	14	10 to 1/4
10	Palai	49	8	22	19	9	9	6 to 1/2
11	Kidangoor	45	11	15	19	7	4	9 to Nil
12	Kottayam	27	10	11	6	8	3	2 to 1/20
13	Changanachery	37	7	16	14	10	7	10½ to Nil
	Total	482	103	156	223	85	112	25 to 0

Trivandrum,
6th Meenam 1107

1. V. N. JATHAVEDAN NAMBOORIPAD,
2. E. V. KRISHNA PILLAI,
3. KOTTALIL P. ABRAHAM.

ഈ റിപ്പോർട്ടിൽ ഒടുവിലത്തെ പാരാവിൽ [ ] അടയാളപ്പെടുത്തിയതിനകത്തുള്ള ഭാഗങ്ങൾ കമ്മററി സ്ഥലങ്ങളിൽപോയി തെളിവുശേഖരിച്ചതിൽനിന്നും ലഭിച്ചതോ അനുയോജ്യമോ അല്ലാത്തതിനാൽ ആ ഭാഗങ്ങളെ ഒഴിച്ച് ബാക്കിഭാഗങ്ങളിൽ ഞാൻ യോജിക്കുന്നു.

വി. എൻ. ജാതവേദൻ നമ്പൂരിപ്പാട് (ഒപ്പ്)

Supplement D.

THE TRAVANCORE JENMI AND KUDIYAN REGULATION AMENDMENT BILL.

(As revised by the Select Committee after re Committal.)

(Words in italics indicate the amendments suggested by the Committee.)

A BILL TO AMEND THE TRAVANCORE JENMI AND KUDIYAN REGULATION OF 1071 (V OF 1071).

Where as it is expedient to amend the Travancore Jenmi and Kudiyan Regulation of 1071, Regulation V of 1071, for the purposes hereinafter appearing ; It is hereby enacted as follows ;—

1. (*a*) This Regulation may be called "The Travancore Jenmi and Kudiyan (Amendment) Regulation, 110 ".

(*b*) It shall come into force at once.

II. In Section I of the Travancore Jenmi and Kudiyan Regulation of 1071, Regulation V of 1071, hereinafter referred to as the said Regulation, the words and figures "Para 2 of Section 5 and" occurring in the proviso shall be omitted.

"II. A *For Section 2 of the said Regulation, the following shall be substituted, namely :—*

2. "*No custom or customary right as between the jenmi and the kudiyan shall prevail unless provided for in this Regulation expressly or by necessary implication.*"

III. In Section 3 of the said Regulation—

(*a*) the words "periodical renewal of the right on" occuring in Clause (1) shall be omitted ;

(*a*) (*1*) *In Section 3 (I) of the said Regulation number the existing Explanation as Explanation I, and add the following as Explanation 2, namely.*

"*Explanation 2. For the purposes of this definition, the payment of jenmikaram shall be deemed to be the payment of michavaram or customary dues and the payment of renewal fees*"

"(*a*) (*2*) *In Section 3 (2) of the said Regulation, for the word "proprietory" the word "jenmom" shall be substituted, and for the word "lands" where it occurs a second time, the word "right" shall be substituted.*"

(*b*) between the words "assessed" and "rent" occurring in Clause (9) the word "annual" shall be inserted :

(*c*) " *In Section 3 (10) of the said Regulation, the word "anual" shall be inserted before the word "residual" and the word "annually" occurring after the word "deliverable" shall be omitted.*"

(*b*) for Clause (11), the following shall be substituted, namely :—

"(11) "Renewal fees" means such fees as Atukkuvatu, Sakshi, Opputusi or the like agreed to be paid by the kudiyan to the jenmi periodically on occasions when the Kanapattom is renewable, and include the "fractional fee."

"*and, 'fractional fee' means the fee fixed as claimable (in substitution of the renewal fees) in annual instalments at the rate of seven per cent. of the aggregate value or amount of the renewal fees due on the expiry of twelve years, or in annual instalments proportionately lower in percentage when renewal on the expiry of any longer period is provided for by the kanapattom.*"

Explanation :—When a Kanappattom provides for Purushantra Polichezhuettu (renewal on the death of the Jenmi or kudiyan) or for renewal when a temple may be renovated, or when the language of the instrument raises a reasonable doubt as to the length of the period on the expiry of which renewal is enforceable, it shall be deemed that renewal on the expiry of every thirty-six years was intended and agreed upon by the parties."

(e) for Clause (12), the following shall be substituted, namely ;—

"(12) "Customary dues" means cesses or perquisites consisting of (i) Onakkazhcha, Panchaphalam, Utsavakoppu or the like due annually or periodically on specific dates, and (ii) Arukazhcha, Kalasavari or the like due at periodical intervals, which though specific, are not previously ascertainable whenever such cesses or perquisites are payable by the kudiyan to the jenmi in accordance with the terms of a Kanapattom ; and

"Commuted cess" means the commuted money value of customary dues, if any, ascertained as claimable by the jenmi every year after the commencement of the Amendment Regulation according to the calculation made in the manner specified hereunder: that is to say : -

(i) when Kalasavari is claimable by a jenmi, it shall be assumed that he is entitled to five percent. of one Kalasavari cess every year ;

(ii) when Arukazhcha is claimable by a jenmi, it shall be assumed that he is entitled to sixteen percent. of one Arukazhcha cess every year ;

(iii) when other dues or cesses are claimable by a jenmi, the annual value of such shall be ascertained by calculation :

(iv) in valuing any due or cess payable in kind, the commutation price specified in the contract of Kanappattom or understood to be the one conformable to the local customary rate, whichever is the lower, shall be the guide ;

(v) the sum total of the value or amounts of the dues or cesses ascertained as annually payable to the jenmi in accordance with the calculation made under Clauses (i)] to (iv) shall be deemed to be the "commuted cess" in any given case" ; and

(f) In Section 3 of the said Regulation the following shall be substituted ; for Clause (14), namely :—

"(14) Jenmivaram in respect of a jenmom land or holding means the total of the amounts of the annual michavaram, the fractional fee and the commuted cess in respect thereof.

And after Clause (14) so substituted, the following shall be added in Section 3 of the said Regulation, Namely :—

"(15) Settlement pattom in respect of a jenmom land means the pattom fixed by Our Government for the Land Revenue purposes at a general Revenue Settlement and includes also the proportionate pattam chargeable on each portion of a land wherever the land is divided for any reason."

"(16) Settlement pattamicham in respect of a jenmom land means its Settlement pattom minus the tax due thereon to Our Government."

Explanation :—Wherever the Settlement Pattom is fixed in kind, 'tax' means the tax in kind fixed with reference to the Settlement Pattom although the tax may be payable to Our Government in money.

"(17) Jenmikaram in respect of a jenmom land or holding means the amount payable in respect of that land or holding under the provisions of this Regulation by the kudiyan to the jenmi every year in lieu of all and every one of the jenmi's claims in respect of the land or holding, such jenmikaram being fixed as follows :—

(a) When the Settlement pattamicham with reference to the last general Revenue Settlement and the jenmikaram in respect of any jenmom land or holding are the same in amount or if they differ when the amount of the difference between the two is not larger than ten per cent. of the jenmivaram, the Settlement pattamicham shall be the jenmikaram.

(b) When the amount of the Settlement pattamicham with reference to the last general Revenue Settlement is larger than the amount of the jenmivaram by more than ten per cent. of the latter, the jenmivaram plus ten per cent. thereof shall be the jenmikaram.

(c) When the amount of the Settlement pattamicham with reference to the last general Revenue Settlement is less than the amount of the jenmivaram by more than ten per cent. of the latter, the jenmivaram minus ten per cent, thereof shall be the jenmikaram.

Explanation 1.—Payment of or the liability to pay the jenmikaram is equivalent to paying or the liability to pay the michavaram, renewal fees and customary dues.

Explanation 2.—When any jenmom land or holding is divided for any reason, the jenmivaram and the jenmikaram chargeable proportionately on each part shall respectively be the jenmivaram and the jenmikaram due on that part.

(18) 'Prescribed' means prescribed from time to time by Our Government by Notification in Our Government Gazette.

(19) The Amendment Regulation' means the Travancore Jenmi and Kudiyan (Amendment) Regulation, 110 ."

"III. A. In Section 4 of the said Regulation, the word "his" occurring before the words "jenmom lands" shall be omitted."

IV. For Sections 5 to 14 of the said Regulation, the following sections shall be substituted namely :—

IV. "5. From and after the commencement of the Amendment Regulation, the jenmi shall not have any right, claim or interest in any land in a holding except the right to receive the jenmikaram thereon and the kudiyan shall be deemed to be the owner of the land subject only to the payment of the jenmikaram.

Explanation 1.—The Jenmi's right as well as the kudiyan's right is heritable as well as transferrable by sale gift or otherwise.

Explanation 2.—Notwithstanding any usage or contract to the contrary, no kudiyan has the right to relinquish or apply for permission to relinquish his holding or any portion thereof and no jenmi has the right to evict or sue for the eviction of a kudiyan from his holding or any portion thereof :

Provided that this prohibition shall not affect any order made or decree passed on an application presented or in a suit instituted under the provisions of Regulation V of 1071 prior to the 1st April 1930|19th Meenam 1105, even though the order or decree be made or passed after the commencement of the Amendment Regulation,

Explanation 3.—Notwithstanding any usage or contract to the contrary, every kudiyan has the right to make any use of the land in his holding, to change its character either by converting wet land into garden land or by converting garden land into cultivable wet land, or in any other manner, to cut down and appropriate any trees standing thereon, to alter the course of cultivation in respect thereof, and, in short, to do or suffer anything to be done on the land without reference to, or interference from the jenmi.

Explanation 4.—Notwithstanding any usage or contract to the contrary, every kudiyan has the right to make any improvement in respect of his holding without reference to or interference from, the jenmi, and no kudiyan shall thereby become liable to pay any higher jenmikaram on account of any increase of production or any change in the nature of the crop raised in consequence of such improvement.

Explanation 5.—The jenmi's right to the jenmikaram shall be deemed to be immovable property.

6. (1) If in a holding there are more parcels of land than one, each having Settlement pattom assessed separately, the jenmikaram of the entire holding shall be ascertained in accordance with the provisions of this Regulation and distributed in respect of each parcel of land in the proportion of the Settlement pattamicham bearing on such parcel of land.

(2) The jenmikaram so distributed in respect of each parcel of land shall be the jenmikaram due thereon.

7. If any jenmom land is divided for any reason the jenmikaram on each portion of the land shall be fixed in the proportion of the Sirkar tax that will be fixed on such portion of land and the jenmikaram so fixed shall be the janmikaram due thereon.

8. Notwithstanding any usage or contract to the contrary, it shall not be lawful hereafter to take into account in any case as renewal fees any amount exceeding twentyfive per cent of the kanom.

9. The jenmikaram of a holding together with the interest, if any, due thereon, when it becomes an arrear, shall be claimable by the jenmi and shall, subject to the priority of the rights of Our Government, be a first charge on the holding.

"10. No kudiyan shall, when, without his consent, the jenmi's right in any jenmom land is transferred by sale, gift or otherwise, be liable to the transferee for the jenmikaram which became due after the transfer and was paid to the jenmi whose right was so transferred unless the transferor or transferee has, before the payment, given notice of the transfer to the kudiyan by registered Anchal or Post."

"11. When a jenmom land or holding is divided or is transferred by sale, gift or otherwise by the kudiyan without the consent of the jenmi, the kudiyan shall continue liable for the jenmikaram accruing due after such division or transfer unless and until notice by registered Anchal or Post of the division or transfer is given to the jenmi by any share or by the transfer or transferee, as the case may be, and until pokkuvaravu is effected in the Land Revenue records in accordance with the division or transfer.

Explanation.—This provision does not affect any liability of any sharer or transferee as between such person and other sharers or the transferor, as the case may be to pay the jenmikaram.

"12. No division of the jenmi's right in any jenmom land shall be binding on the kudiyan thereof, unless it is made with the consent of the kudiyan or notice thereof is given to the kudiyan by registered Anchal or Post informing him of the prescribed particulars of the division and the jenmikaram which may become due subsequent to such division made without such consent or notice may be paid to the jenmi entitled thereto before such division.

13. Notwithstanding any usage or contract to the contrary, it shall not be obligatory on the jenmi to renew, or on the kudiyan to accept the renewal of, a contract of kanapattom,

"14. (1). *Notwithstanding any usage or contract to the contrary, the jenmikaram of any land shall not be liable to alteration or revision at any time except after any future general Land Revenue Settlement by Our Government.*

(2) *Whenever Our Government make any general Land Revenue Settlement in the future and the Settlement pattamicham at that Settlement is found to differ from the amount of the Settlement pattamicham with reference to which any jenmikaram has been fixed that jenmikaram shall be enhanced or reduced in proportion as the Settlement pattamicham at the later Settlement is larger or smaller than the Settlement pattamicham at the previous Settlement.*

(3) *Except under the provisions of this section, the jenmi shall not be entitled to claim any enhanced jenmikaram and the kudiyan shall not be entitled to reduce the jenmikaram.*

(4) *The enhanced jenmikaram or the reduced jenmikaram due on a land as the case may be, shall be payable from the 1st day of Chingom in the year next following that in which the Revenue Settlement comes into operation in respect of that land, and with effect from that day the enhanced jenmikaram or the reduced jenmikaram, as the case may be, shall be the jenmikaram due thereon.*"

V. In Chapter III of the said Regulation, for the heading of Part A, the following shall be substituted, namely :—

"Part A—*Jenmikaram and its recovery.*

"15 (1). *Every contract of kanapattom made or renewed after the commencement of the Amendment Regulation shall, in addition to other particulars, specify:—*

(*a*) *the name, if any, the description and the extent of the holding* ; *and*

(*b*) *the Settlement pattom, the Settlement pattamicham, the jenmivaram, and the jenmikaram in respect of the land or each of the several parcels of land comprised in the holding.*"

VI. For Section 15, sub-section (1), of the said Regulation, the following shall be substituted, namely :—

"(1) Every contract of kanappattom made or renewed after the commencement of the Amendment Regulation shall, in addition to other particulars, specify :—

(*a*) the name, if any, the description and the extent of the holding ;

(*b*) the Pattam assessed on the several parcels of wet land and dry land comprised in the holding, and in the case of garden land, the number of assessable trees thereon, if any ;

(*c*) the amount of the kanom and the interest thereon ;

(*d*) the michavaram ;

(*e*) the amounts of the customary dues, if any, or the value thereof, and the cess payable annually, in lieu of such customary dues ; and

(*f*) the amount or value of the renewal fees agreed upon and the percentage thereof payable annually as fractional fee in lieu of such renewal fees."

"VI A. *In Section 15, Sub-section (II), Clause (d) of the said Regulation, for the words 'michavaram or other dues', the words 'jenmikaram or any portion thereof' shall be substituted.*"

VII. For Sections 16 to 18 of the said Regulation, the following sections shall be substituted namely :—

"16. No summary suit or claim for enforcing payment of any jenmikaram shall be entertained by the Courts under this Regulation unless either the jenmikaram or the renewal fees and customary dues, with reference to which the jenmikaram has to be ascertained, are specified in the kanapattom or its counterpart duly registered or in a decree of a Civil Court obtained in a regular suit between the jenmi and the kudiyan."

"17. (1) Subject to the provisions of this Regulation every jenmi shall be entitled to receive and every kudiyan shall be bound to pay in respect of all land in the latter's holding the jenmikaram due thereon and notwithstanding any contract or usage to the contrary the jenmi shall not be entitled to receive and the kudiyan shall not be bound to pay anything else in respect of the land.

(2) The jenmikaram shall be payable in such instalments and on such dates as Our Government may, by rules made under this Regulation, prescribe or in the absence of such rules, at or before the close of each Malabar year.

(3) The jenmikaram or any instalment of jenmikaram, payable on any date if it is not paid on or before that date, shall become an arrear on the first day after that date.

(4) An arrear shall bear simple interest at the rate of nine percent. per annum when it is payable in money or in paddy.

(5) When according to the terms of any contract of kanapattom, renewal fees are payable on the expiry of a specified period and part only of such period has expired before the commencement of the Amendment Regulation an amount which bears to the aggregate amount or value of such renewal fees the same proportion as the expired part of the period bears to the whole period specified in the contract shall be payable by the kudiyan to the jenmi without interest within three years from the commencement of the Amendment Regulation or with interest at six per cent. per annum thereafter within a further period of three years."

18. (1) The jenmikaram payable in paddy shall be paid at the jenmi's residence or granary, if any, within the pakuthi which the holding is situated.

(2) Where the jenmi has no residence or granary within that pakuthi, he may notify the kudiyans of the holdings in that pakuthi that they may produce the paddy for payment at some specified place within that pakuthi at specified hours on specified dates in which case the kudiyan shall make the payment there; in the absence of any such notification or in case there is none to receive any paddy tendered at the place and time notified, the kudiyan shall not be bound to make the payment in paddy.

(3) When the kudiyan is not bound to make payment of any jenmikaram in paddy, he may make the payment of the amount of the jenmikaram in money including the money value at the then current market rate of any portion of the jenmikaram payable in kind either personally to the jenmi or to his agent or remit the same, to the jenmi by Anchal Hundi or Postal Money Order."

VIII. In Section 19 of the said Regulation, for the words "Michavaram or customary dues" the words "any jenmikaram" shall be substituted.

IX. "*Sections 20 to 26 of the said Regulation shall be omitted.*"

X. For the heading of Part B of Chapter III of the said Regulation, the following shall be substituted namely :—

"Part B Summary recovery and Deposit of jenmikaram."

XI. In Part B of Chapter III of the said Regulation, before Section 27, the following Section shall be inserted, namely:—

"26 A. (1) It shall be competent to the jenmi of any holding, without prejudice to any other right of action that he may have, to make an application to the Tahsildar of the Taluk in which the holding is situated to reco er the arrears of any jenmikaram in respect of that holding:

Provided that the arrears are not more than one year old on the date of the application.

(2) The application shall be in such form and shall contain such particulars as may be prescribed by Our Government and shall be signed and verified by the jenmi in the manner prescribed by the Code of Civil Procedure, 1100, for the signing and verification of plaints.

(3) The applicant shall from time to time pay to the Tahsildar such fees as may be prescribed by Our Government for the several processes that may be necessary for realising the arrears. The applicant shall be entitled to a refund of any portion of such fees that may remain unexpended at the termination of the proceedings.

(4) If the Tahsildar is satisfied that the application has been duly presented, that the arrears are due from the kudiyan, that the applicant is entitled to recover them and that they are not more than one year old on the date of the application, he shall proceed to recover the amount of the arrears and interest and the fees paid under Sub-section (3) by the applicant as if they were an arrear of public revenue due to Our Government and the provisions of the Revenue Recovery Regulation, I of 1068 (as amended by Regulations III of 1087, VIII of 1094, X of 1097 and II of 1099) shall, *mutatis mutandis* apply to all the proceedings.

(5) (*a*) The amount that is recovered shall be paid by the Tahsildar to the applicant on taking a receipt from him in a form as near as may be to that contemplated by Section 19.

(*b*) A copy of the receipt with the attestation of the Tahsildar shall be given free of cost to the kudiyan if he applies for it.

Explanation.—Nothing in this Section shall be deemed to bar the right of civil suit which any aggrieved party may have in law."

XII. For Section 27 of the said Regulation, the following Section shall be substituted namely:—

"27. (*a*) When a jenmi refuses to accept jenmikaram tendered by the kudiyan, or

(*b*) when the kudiyan in any case is doubtful as to the person entitled to receive the jenmikaram,

the kudiyan may make an application to the Court of the District Munsiff having jurisdiction over the place where the holding or any part of it is situated for permission to deposit in such Court the entire amount of the jenmikaram due in respect of the holding till then together with the interest due thereon under this Regulation."

XIII. In Section 28 of the said Regulation, for clause (*d*), the following shall be substituted, namely:—

"(*d*) the *entire* amount of the jenmikaram and the interest due thereon up to date and the market value at the current rate of such items as are payable in kind."

XIV. In Section 29 of the said Regulation,

(*a*) for the word "Michavaram" the word "jenmikaram" shall be substituted in both the places where it occurs, and

(*b*) before the word "market" the words "the current" shall be inserted.

"*(c) Omit the words 'or other dues' occurring before the word specified in Section 29 of the said Regulation,*

(d) for the words 'or dues' occurring before the words 'being commuted' in the said Section 29. the words 'and the interest, if any, due thereon' shall be substituted."

XV. For Sections 30 and 31 of the said Regulation, the following Section shall be substituted, namely:—

"30. (1) When such application as is aforesaid is made the Court shall grant the permission applied for and accept the deposit unless it appears on an examination of the applicant that the application has been made without justifying grounds or unless he has failed to pay the fee, if any, chargeable for the issue of the notice hereinafter referred to.

(2) The applicant shall be entitled to a receipt from the Court accepting the deposit and the deposit shall be deemed to be a payment made by the kudiyan to the jenmi in respect of the jenmikaram or arrear due.

31. (1) The Court accepting the deposit shall give notice of the same to every person who is reasonably believed to claim or to be entitled to the deposit, and may, after hearing such of them as may appear in Court, pay the amount thereof or remit the same less the Hundi or Money Order commission by Anchal Hundi or Postal Money Order to any person appearing to the Court to be entitled to the same or may, if it thinks fit, retain the deposit pending the decision of a competent Civil Court as to the person so entitled.

(2) Nothing in this Section shall affect the right of any party to institute a regular suit in a competent Civil Court to contest the payment, remittance or order made under sub-section (1) or to recover the amount from the party, if any, to whom it has been paid or remitted under Sub-section (1) but, so far as the kudiyan is concerned, the receipt granted under Sub-section (2) of Section 30 shall be deemed a full acquittance in respect of the amount covered by the receipt and shall have the same force and effect as a receipt granted by the person rightfully entitled to receive the amount."

XVI. For the heading of part C in Chapter III of the said Regulation, the following shall be substituted, namely:—

"Part C.—Of the jurisdiction of Courts over petty claims for Jenmikaram."

XVII. In Section 33 of the said Regulation, for the words "Michavaram, renewal fees or customary dues", the word "jenmikaram" shall be substituted.

XVIII. In Section 39, Sub-section (1), of the said Regulation, for the words "Michavaram or renewal fees or customary dues", the word "jenmikaram" shall be substituted.

XIX. In Section 40 of the said Regulation, for the figures, words and brackets "568 of the Civil Procedure Regulation, (II of 1065)" the following shall be substituted, namely:—

"89 of the Code of Civil Procedure, 1100."

XX. After Section 40 of the said Regulation the following shall be inserted as a Heading namely:—

"Chapter IV—Miscellaneous:—

"*XXI. In Section 44 of the said Regulation, for the words 'the provisions of this Regulation shall not apply to' the words 'no jenmikaram shall be recoverable by any jenmi from' shall be substituted.*"

XXII. After Section 44 of the said Regulation, the following sections shall be added namely:—

"*45. When the jenmi and the kudiyan cannot agree as to the apportionment as between them of the compensation money awarded or awardable on the acquisition, under the Land Acquisition Regulation, of any land or portion of land comprised in any holding, the portion due to each shall be determined in accordance with the following rules:—*

(a) So much of the compensation money as is due to any building shall belong entirely to the kudiyan ;

(b) The balance left after deducting the portion of compensation money referred to in rule (a) shall belong to the jenmi and the kudiyan in the proportion of the jenmikaram charged or chargeable on the land or portion of land and the average annual net produce of the land or portion of land, as the case may be:

Provided that the capitalised value of the jenmikaram is smaller than such share of the jenmi the capitalised value alone shall belong to the jenmi and all the rest shall belong to the kudiyan.

Explanation:—

1. The capitalised value of any jenmikaram means an amount equal to twenty-five times the amount of the jenmikaram.

2. 'Net produce' means the surplus remaining after deducting from the gross produce of any land a portion equivalent in value to the cost of cultivation and the Sirkar tax and cesses, if any, and the jenmikaram chargeable on such land and include the value of such surplus.

3. 'Average annual net produce' means the net produce ascertained as derivable on any average for one year, by calculation of the net produce for each year during a period of not less than ten years immediately preceding the date of such ascertainment.

4. When a portion alone of a land is acquired, the portion of jenmikaram chargeable on that land shall be ascertained as if the land had been divided and the jenmikaram of the portion of land acquired shall cease to be payable to the jenmi.

46. Our Government may, for the purposes of this Regulation and after following the procedure prescribed "*in accordance with the rules to be passed by Our Government after previous publication*" fix the commutation rate for paddy or other commodities payable by the kudiyan and published the same in Our Government Gazette.

47. (1) Notwithstanding anything contained in the First Schedule annexed to the Travancore Limitation Regulation, no suit for any arrear of jenmikaram or the interest or penalty due thereon shall be entertained by any Civil Court unless instituted within six years from the date of the jenmikaram becoming an arrear:

Provided however that suits for jenmikaram which are barred by reason alone of the above provision on the date of the commencement of the Amendment Regulation may be instituted within two years from that date.

(2) The Explanation to Article 119 of the First Schedule to the Travancore Limitation Regulation shall be deemed to stand repealed."

Appendix I.

***Vide* Answer to Question No. 58.**

List of acting appointments made by Mr. M. H. Veeraraghava Aiyar, since his appointment as Dewan Peishkar, Quilon.

Serial No.	Name of persons appointed.	Office in which appointed.	Designation of appointment.	Date of 1st entertainment of person appointed.	Remarks.
1	K. Kesava Pillai, B. A.	Division Cutcherry, Quilon.	Clerk	8-9-1105	
2	G. Achutha Panikar.	Division Assistant's Office, Alleppey.	Typist	5-3-1108	Sanctioned the Assistant's recommendations.
3	K. M. Fernandez, B. A.	Do. Do.	Clerk	8-4-1104	
4	P. C. Chellappan.	Do. Do.	Do.	1-7-1102	
5	K. Ananthakrishna Iyer*	Divisional Treasury, Quilon.	Treasurer	23-9-1107	* Appointed on the responsibility of the permanent Treasurer as per his nomination.
6	K. G. Kuttan Pillai.	Do. Do.	Clerk	24-10-1102	
7	K. Kesavan Asari.	Taluk Office, Quilon.	Do.	1-7-1105	
8	K. Subrahmania Aiyar.	Do. Do.	Do.	4-1-1106	
9	A. Achutha Varriar.	Do. Do.	Do.	8-12-1107	
10	P. Abraham, B. A.	Do, Do.	Do.	5-2-1104	
11	K. Paramesvaran Pillai.	Do. Kottarakara.	Do.	22-3-1108	Sanctioned the Tahsildar's recommendation.
12	K. G. Kuttan Pillai.	Do. Pathanapuram.	Do.	24-10-1102	
13	A. Varghese.	Do. Shencottah.	Do.	26-7-1102	
14	T. M. Koshy, B. A.	Do. Do.	Do.	16-9-1103	
15	M. N. Sankara Pillai.	Do. Kunnathur.	Do.	14-7-1104	
16	P. C. Varghese.	Do. Do.	Do.	2-9-1102	

Appendix I—(*contd*)

Serial No.	Name of person appointed.	Office in which appointed.	Designation of appointment.	Date of 1st entertainment of person appointed.	Remarks.
17	T. M. Koshy, B. A.	Taluk Office, Kunnathur.	Clerk	16-9-1103	
18	K. M. Fernandez, B. A.	Do. Do.	Do.	8-4-1104	
19	Mytheen Kunju.	Do. Karthigapalli.	Do.	11-7-1104	
20	K. Sridhara Panicker.	Do. Do.	Do.	11-12-1103	
21	A. Sankaran Nayar.	Do. Do.	Do.	10-2-1104	
22	P. Abraham, B. A.	Do. Mavelikara.	Do.	5-2-1104	
23	P. V. Varghese, B. A.	Do. Do.	Do.	15-8-1104	
24	J. Eapen, B. A.	Do. Thiruvella.	Do.	16-11-1107	Sanctioned the Tahsildar's recommendation.
25	M. P. Varghese.	Do. Do.	Copyist	17-3-1108	Do. Do.
26	P. Koshy Eapen.	Do. Pattanamtitta.	Clerk	6-2-1108	Do. Do.
27	P. K. Shanku.	Do. Do.	Copyist	12-8-1101	
28	S. Balakrishna Variyar.	Do. Do.	Clerk	6-3-1108	Sanctioned the Tahsildar's recommendation.
29	P. J. Philip.	Do. Ambalapuzha.	Do.	16-2-1104	
30	K. V. Varghese.	Do. Do.	Do.	5-1-1104	
31	K. H. Krishna Iyer *	Do. Do.	Do.	17-2-1105	* Appointed in anticipation of sanction, by the Tahsildar and sanction was accorded.
32	T. M. Koshy, B. A.	Do. Do.	Do.	16-9-1103	
33	P. C. Varghese.	Do. Do.	Do.	2-9-1102	
34	P. C. Chellappan.	Do. Do.	Do.	1-7-1102	
35	P. J. Philip.	Kandukrishi Cutcherry Do.	Do.	16-2-1104	
36	K. M. Fernandez, B. A.	Do. Do.	Do.	8-4-1104	
37	C. M. John, M. A.	Stationary Magistrate's Court, Chengannur.	Do.	14-9-1106	*All these appointments were made in leave vacancies.

Appendix II.

Vide Answer to Question No. 59.

Statement comparing the amounts allotted under original works with the actual expenditure incurred to end of 1st quarter of 1108 for the Nagercoil Division.

Heads under original works.	Amounts allotted.	Expenditure incurred to end of Alpasi 1108.	Remarks.
Ordinary Public Works Works.			Credit due to adjustment
Buildings ...	10,710	1,600	
Communications ...	25,296	2,386	
Miscellaneous Public Improvements ...	9,342	566	
Protective Irrigation ...	21,250	1,209	
Reproductive Works—Works.			
Capital Account ...	5,900	210	
Revenue Account ...	10,810	410	
Military—Works.	100	92	
Anchal—Works.	...	3	
Total...	83,408	3,276	

Appendix III.

Vide Answer to Question No. 85.

Copy of G. O *re* initial appointments and promotions in the Ministerial establishment of the P. W. D.

R. Dis. No. 1950/30/P. W. Huzur Cutcherry,
Trivandrum, 17th December 1930.

From

The Chief Secretary to Government.

To

The Chief Engineer,
Travancore.

Sir,

With reference to the correspondence ending with your office letter No. 3787 dated the 21st October 1929, I have the honour to inform you that, in the circumstances stated therein., Government sanction the following rules laying down the principles for recruitment and promotions in the ministerial staff of the P. W. Department.

(1) All initial appointments, whether of graduates or non-graduates, be on the lowest scale of clerks sanctioned for the Department.

Exception. Graduates who have no substantive appointments and who had acted in the scale of Rs. 40-70 under the old rules may, however, be posted to the scale of Rs. 50-70 directly and given Rs. 50. Their confirmation in the scale will be subject to their passing the Travancore Account and the P. W. D. Divisional Tests.

(2) A graduate will ordinarily be preferred to a non-graduate for appointment in the clerical staff of the P. W. D. until there is a fair proportion of the former in the Department. But at least one-third of the recruitments should go to non-graduates.

Exception. Non-graduates with previous acting service in the Department should be re-entertained in preference to new men.

(3) No one will be appointed substantively in the scale of Rs. 35-50 or above unless he has passed the two tests referred to in Rule (1) *supra*. Acting incumbents in the scale of Rs. 35-50 or above are liable to be reverted unless they pass the above two tests within a period of two years. This period will be extended in exceptional cases.

(4) The number of non-graduates in the three scales together, Rs. 100-125, Rs. 75-100 and Rs. 50-70, should be not more than 25 per cent. of the total strength thereof. If, however, there are not sufficient graduates at present to maintain the above proportion in the three scales, graduates with the two tests from the lower scale or scales may be promoted till that proportion is reached, subject to the proviso that non-graduates who have already acted in these scales by virtue of their seniority and approved service be given substantive promotions to the higher scales.

(5) The proportion of graduates to non-graduates in the matter of promotions to Rs. 25-35 and Rs. 35-50 scales from the lower scales should be 3 : 1.

(6) The men who are now in the personal scale of Rs. 25-40 shonld be absorbed against vacancies in the scale of Rs. 35-50 and Rs. 25-35 according as their pay is Rs. 35 and above or below Rs. 35 respectively, they being given the option to retain their present personal scale till a certain stage and then come into the new scale. The grant of future increments above Rs. 35 stage in the personal scale or in the new scale will depend on their passing the Travancore Accouht and P. W. Divisional Tests within the period prescribed,

I have etc..

(Sd.) T. CHANDY,

For *Chief Secretary to Government.*

Appendix I.

***Vide* Answer to Question No. 75.**

List of permanent, acting and temporary computor-draftsmen in the Survey Office on 1-4-1108, with their total period of practical field service.

No.	Name.	Designation.	Total period of practical field service as surveyors.
	PERMANENT.		
1	S. Sankara Aiyar .	computor-draftsman.	Nil.
2	T. S. Subrahmania Aiyar .	Do.	On other duty as Revenue Supervisor.
3	P. V. Subbaraya Aiyar.	Do.	On long leave.
4	M. Kattuvava Rowther .	Do.	On other duty as Revenue Supervisor.
5	M. Subbiah Pillai .	Do.	Nil.
6	T. J. Sundaram Aiyar .	Do.	Nil. On other duty as S. P.T. Record Keeper.
7	P. Krishnan Asari .	Do.	Nil.
8	N. Paramesvaran Pillai .	Do.	On other duty as Acting Surveyor.
9	S. Rama Aiyar .	Do.	12 years.
10	E. Nettar .	Do	Nil.
11	A. K Kunjukrishna Pillai .	Do.	Do.
12	K. Subrahmania Aiyar .	Do.	Do.
13	N. Narayana Pillai .	Do.	Do.
14	E. Raghavan Tampi .	Do.	Do.
15	M. Atchuthan Nayar .	Do.	On other duty as S. P. T. Surveyor.
16	M. R. Venkitachalam Aiyar.	Do.	10 years.
17	N. Velayudhan Pillai .	Do.	On other duty as S. P. T. Surveyor.
18	K. Krishna Pillai .	Do.	Do.
19	C. N. Madhavan Pillai .	Do.	Do.
20	M. P. Krishna Pillai .	Do.	Do.
21	K. Rama Iyengar .	Do.	Do.
22	N. Paramesvaran Tampi .	Do.	On other duty as Surveyor
	ACTING AND TEMPORARY.		
23	T. R. Ramaswamy Aiyar .	S. P. T. Do.	Nil.
24	N. Raman Asari .	Acting Do.	Nil.
25	M Abdul Kadir Sahib .	Do. Do.	Nil.
26	G. Velu Pillai .	S. P. T. Do.	4 years.
27	S. Sivathanu Pillai	Do. Do.	Nil.
28	K. N. Paramesvaran Pillai	Do. Do.	Has worked as a Surveyor. Since no service book has been opened, the period is not ascertainable.

Appendix 1 (*contd.*)

No.	Name.	Designation	Total period of practical field service as surveyors
29	I. Padmanabha Iyengar .	Acting Computor-draftsman.	Nil.
30	G. Ramakrishna Pillai .	Temporary Do.	Has worked as a Surveyor. Service book is not maintained. Hence the period is not ascertainable.
31	C. K. Kesava Pillai .	Do. Do	Do.
32	S. Rama Aiyar .	S. P. T. Do.	Do.
33	V. R. Govinda Pillai .	Temporary Do.	Do.
34	K. Nilakanta Pillai .	S. P. T Do.	Do.
35	K. Kunjukrishna Pillai .	Temporary Do.	Nil.
36	K. Kunjan Pillai .	D . Do.	Has worked as a Surveyor. Since no service book is maintained, period is not ascertainable.
37	K. Atchutha Kurukkal .	Do. Do.	Nil.
38	A. Arjunan Chettiar .	Acting Do.	Nil.
39	N. Krishna Pillai .	Temporary Do.	Has worked as a Surveyor. Since service book has not been maintained, the period of service is not ascertainable.
40	T. V. Kesavan Namputhiri.	Acting Do.	Do.
41	R. Velu Pillai .	Do. Do.	Do.
42	T. K. Narayanan Nayar .	Do. Do.	Do.
43	K. C Punnose .	Do. Do.	Do.

Appendix I A.

List of new hands appointed as surveyors in the Survey Department.

No.	Name.	Date of appointment.
1	K. K. Mathew ...	10-8-1106
2	P. A. Abraham ...	2-9-1106
3	P. J. Mathen ...	18-10-1106
4	S. Sivarama Pillai ...	16-11-1106
5	A. J. Mathai ...	7-3-1107
6	K. Kunjan Thirumulpad ...	3-1-1108

Appendix I B.

List of subordinates disbanded at the end of Karkatakam 1107 from the Survey Office.

No.	Name.	Designation.	Period of service as surveyors.
1	S. Vaidyanatha Aiyar	Ag. Tracer.	Nil.
2	K. Sivasankara Pillai	Temp. computor-draftsman.	Had been a Surveyor for some time. Being an Ag. hand no service book maintained to find out the period.
3	P. Ramakrishna Pillai	Do. do.	Do. do.
4	R. Krishna Pillai	S. P. T. do.	Nil.
5	P. Mahadeva Aiyar	Do. do.	Nil.
6	K. P. Narayana Pillai	Ag. do.	Had been a Surveyor. Since no service book is maintained, the period of service is not ascertainable.
7	M. Padmanabhan Asari	Temp. do.	Nil.
8	M. Madaswamy Asari	Ag. Tracer.	Nil
9	C. K. Aiyappan Pillai	Temp. computor-draftsman.	Nil.
10	N. K. Padmanabha Panicker.	Do. do.	Nil.
11	N. Velu Pillai	Do. do.	Nil.
12	K. Rajagopalan Nayar	Do. do.	Nil.
13	K. Gangadharan	Do. do.	Nil
14	Narayanan Madhavan	Do. do.	Nil.

Supplement A.

The following report of the Select Committee on the Travancore Provident Insurance Societies Bill, together with the Bill as revised by the Select Committee is published for general information.

(By order),

Huzur Cutcherry,
Trivandrum,
5th December 1932.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

To

THE PRESIDENT,

Travancore Legislative Council,

Trivandrum.

Sir,

We, the undersigned members of the Select Committee, appointed to consider the Travancore Provident Insurance Societies Bill, have considered the Bill and beg to submit the following Report.

2. There has been a considerable rush in the incorporation of companies proposing to do insurance work during the last two years. Before the beginuing 1107 there were only 13 companies of this type, while the number registered during 1107 (247) has gone up to 468 on 25-3-1108. Except a few of these, all have been of the dividing type. Institutions working on this basis have been condemned by experts as unscientific, unsound and unworkable. Though all the actuaries in British India are agreed in this view regarding such schemes Mr. Marathey of Poona, has made certain constructive suggestions as to how the working of such societies could be improved, himself feeling diffident about the beneficial results of such working, but suggesting innovations with a view to save the several thousands of poor people who had joined such societies. In view of the large mass of the public involved in the schemes already started here, we have adopted some of his suggestions, and provided for safeguards which are, in our opinion, necessary to ensure a satisfactory working of the societies working on this line. A copy (Appendix B) of the Report of the Provident Society Vigilance Committee appointed in Bombay for enquiring into the working of societies of this type there, and extracts (Appendix C) from the letters written on the subject by Messrs. H. L. Humphreys and G. S. Marathey, M. A., A. I. A., published in some of the leading Insurance Journals in British India, as well as the remarks (Appendix D) by the Actuary to the Government of India in the Indian Insurance Year Book of 1931, are appended hereto. We proceed below to deal with the various clauses of the Bill.

Clause 1.

Insert the following as sub-clause (3) to clause 1 :

"(3) It shall come into force on..........."

This insertion has been made to specify the date when the Regulation should come into force.

Clause 4 (New Clause.)

Insert the following as a New clause after clause 3 of the Bill:

Deposit by Societies.

"4 (1) Every provident insurance society shall, if established before the commencement of this Regulation, within six months from such commencement, or before its registration, deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government the sum of five thousand rupees, and until the society keeps doposited the sum of fifty thousand rupees, shall annually deposit and keep deposited a sum equal to fifteen per cent. of the gross income derived from its business as shown in the revenue account for the last financial year :

Provided that a society may at any time deposit the sum of fifty thousand rupees or make up its deposit to that value.

(2) The interest at the Anchal Savings Bank rate prevailing from time to time on the amount deposited under sub-section (1) shall be paid to the society.

(3) The deposit may be made by the subscribers to the rules of a society produced for registration, or any of them, in the name of a proposed society and, upon the registration of the society, shall be deemed to have been made by, and to be part of the assets of, the society.

(4) The deposit shall be deemed to form part of the provident insurance fund of the society, and such fund shall be absolutely the security of the policy-holders."

Clause 4.

Re-number existing clause 4 of the Bill as sub-clause (1) of clause 5, and add the following at the end :

"Nor shall any such society issue any policy in which a person other than any such relation is nominated as the payee of the money insured," and

Add the following as sub-clauses :

"(2) No assignment of any policy shall take effect or be recognised for any purpose unless such assignment is attested by any such person as is prescribed in that behalf or is effected by an instrument registered under the law for the time being in force for the registration of assurances.

(3) The nomination of any such relation as is mentioned in sub-section (1) as the payee in any policy shall take effect as an assignment on the death of the policy-holder."

These additions have been made to prevent frauds and also to clear the existing doubts as regards the legal effect of nominations made by policy-holders.

Clause 5.

Re-number clause 5 as clause 6. Insert the following sub-clauses after sub-clause (c) of clause 5, and re-number sub-clause (d) as sub-clause (g) :—

"(*d*) Specify the provisions regarding the safeguards relating to the correctness of the particulars to be contained in the proposal for the policy and the identity of the proposer ;

(*e*) provide for the transfer to the reserve fund or other modes of disposal of arrears realised in cases of revivals of policies not taken as available for distribution among the policy-holders entitled to claim the same in cases of societies of the dividing type ;

(*f*) provide for the payment of the assured amounts in cases of dividing societes with respect to life assurance policies after the expiry of a specified period during which payments are required to be made regularly only on the death of the insured."

These additional provisions are inserted by way of adopting some of Mr. Marathey's suggestion in the extract hereto appended.

Clause 6.

Re-number this clause as clause 7 and sub-clause (1) therein as sub-clause (1) (a). Substitute the word "six" for the word "three" occurring in line 1 of that sub-clause.

Insert the following as sub-clause (1) (b) :—

"Such applications and rules shall, in the case of incorporated bodies, be signed by the directors of the society on the date of the registration and shall be accompanied by a list of directors as required under Section 87 of the Travancore Companies Regulation I of 1092, and a statement signifying the consent of the directors as required under Section 84, in the form prescribed therefor, under the said Regulation."

The changes proposed are made to make the time consistent with the new provisions added relating to deposit and also to provide safeguards against officers of the society being nominated and such nomination notified to the Registrar, without themselves agreeing to act as such.

New Clause—Clause 8.

Insert the following as clause 8, and re-number the subsequent clauses :—

"(1) Notwithstanding anything contained in Section 7 (2), no Provident Insurance Society, shall be registered by a name identical with that by which a company or society already in existence is registered or so nearly resembling that name as to be calculated to deceive, except where the company or society in existence is in the course of being dissolved and signifies its consent in such manner as the Registrar requires.

Name of Society and change of name.

(2) If a Provident Insurance Society, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a company or society in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first mentioned Provident Insurance Society may, with the sanction of the Registrar change its name.

(3) A Provident Insurance Society shall not be registered by a name which contains any of the following words, namely :—

"Maha Raja," "Royal," "Crown," "Emperor," "Empire" "Empress," "Imperial," "King," "Queen," "Government," or words expressing or implying Our sanction, approval or patronage, or that of His Majesty the King Emperor, or the Government of India, or a Local Government in India, except where the consent of Our Government to the use of words as part of the name of the Society, signifying Our sanction, approval, or patronage, is obtained by an order in writing under the hand of the Chief Secretary to Our Government, or, in the case of words expressing or implying the sanction, approval, or patronage of His Majesty the King Emperor, the Government of India, or a Local Government in India, the Governor-General in Council signifies his consent to the use of such words as part of the name of the society by order in writing under the hand of one of the Secretaries to the Government of India.

(4) Any Provident Insurance Society may, by special resolution and subject to the approval of Our Government signified in writing under the hand of the Chief Secretary to Our Government, change its name.

(5) Where a society changes its name, the Registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of having done so. On the issue of such a certificate, the change of name shall be complete.

(6) The change of name shall not affect any rights or obligations of the society, or render deffective any legal proceedings by or against the society; and any legal proceedings that might have been continued or commenced against it by its former name may be contained or commenced against it by its new name."

These provisions are intended to avoid the existence of more than one institution with an identical name and also to prevent the use of names calculated to imply Royal or Government patronage. Necessary provision has been made to enable alterations of names if considered necessary or expedient.

Clause 7.

Re-number clause 7 as clause 9 and Proviso (*a*), insert the following words after the word "registration" occurring in line 1:—

"and made the deposit."

Substitute a dash for the words "sub-section (1) in line 2.

Proviso (*b*): Insert the following after the word "applied" in line 1 —

"and made the deposit."

Insert a dash after the word "aforesaid" in line 1, and substitute the word "six" for the word "three" before the word "months" in line 2.

These changes are intended to make the deposit an essential pre-requisite for registration and also to bring the provisions in harmony with the preceeding sections. The other changes are merely verbal.

Clauses 8 to 11.

Re-number clauses 8 to 11 of the Bill as clauses 10 to 13.

Clause 12.

Insert the following between the words "name" and "in" occurring in line 4 of clause 12 of the Bill:—

"in English and one of the vernaculars prevailing in the locality."

The purpose of this amendment is self-explanatory.

Re-number clause 12 as clause 14.

New Clauses—Clauses 15 and 16.

Insert the following as clauses 15 and 16:—

Amalgamation or transfer.

15. (1) Where it is intended to amalgamate two or more Provident Insurance Societies or to transfer the business of one society to another, such society or societies may apply to the court, by petition, to sanction the proposed arrangement.

(2) Before any such application is made to Court, notice of the intention to make the application shall be published in Our Government Gazette at least one month before the application is made.

(3) A statement of the nature of the amalgamation or transfer, as the case may be, together with an abstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected

shall be prepared and a report from an expert agreed to by the societies proposing such amalgamation or transfer with respect to the state of affairs of the societies concerned, shall be obtained and copies of the statement and reports shall be transmitted to each policy holder of the societies, unless the Court otherwise directs.

(4) The agreement or deed under which the amalgamation or tranfer is effected shall be kept open for the inspection of the policy-holders and share-holders at the offices of the societies for a period of 15 days after the last publication of the notice under sub-clause (2).

(5) The Court after hearing the Directors and persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection to the arrangement has been established.

(6) The Court shall not sanction the amalgamation or transfer in any case in which it appears to the Court that 1/10 or more of the total number of policy-holders of the Society which it is proposed to amalgamate or in any Society the business of which it is proposed to transfer, dissent from the amalgamation or transfer.

(7) No Provident Insurance Society shall amalgamate with another, or transfer its business to another unless the amalgamation or transfer is sanctioned by the Court in accordance with this section.

Procedure on amalgamation or transfer.

16. Where an amalgamation takes place between any Provident Insurance Societies or where the business of one such society is transferred to another, the combined Society or the purchasing Society, as the case may be, shall within one month from the date of the completion of the amalgamation or transfer, deposit with the Registrar :—

(*a*) certified copies of statements of the assets and liabilities of the Societies concerned in such amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer; and

(*b*) a certified copy of the agreement or deed under which the amalgamation or transfer is effected; and

(*c*) certified copies of the experts' reports upon which the agreement or deed is founded; and

(*d*) a declaration by the Society, that to the best of the belief of the signatory or signatories every payment made or to be made to any person whatsoever on account of the amalgamation or transfer is therein fully set forth, and that no other payments beyond those set forth have been made, or are to be made either in money, policies, bonds, valuable securities or

other property by or with the knowledge of any parties to the amalgamation or transfer."

These provisions are intended to give an opportunity to existing societies to continue to work by joining others in case of inability to make the required deposit by themselves, and also to give other facilities for work.

Clause 13.

Re-number this clause as clause 17, and add the following at the end :--

" whose report in the prescribed form shall be attached to such balance-sheet ".

This addition is made to make the auditor's reports more useful and also to require them to contain suggestions, whenever possible, to improve the working of the societies as is required to be made in the periodical actuarial valuation reports usual in the case of life assurance companies.

Clause 14.

Re-number this clause as clause 18, and in line 1, for the word "six" substitute the word "three".

In line 3 omit the word "and" after the word "account".

In line 4, insert the words "and the auditor's report" between the words "balance-sheet" and "required"

These amendments are made to bring the provision in conformity with those in the preceding clauses.

Clause 15.

Re-number clause 15, as clause 19, and in line 6, omit the word " and " and add at the end of the words "and auditor's report referred to in Section 17 ".

This amendment follows that in clause 14.

Clause 16.

Re-number this clause as clause 20.

Clause 17.

Re-number this clause as clause 21, and in sub-clause (1), line 4, substitute the words "a person" for the words "an actuary"; and in sub-section (4), line 2, substitute the word "paid" for the word "defrayed".

These are merely verbal changes.

Clauses 18, 19 and 20.

Re-number these as clauses 22, 23 and 24.

Clause 21.

Re-number clause 21 of the Bill as clause 25 and insert the following after the word "which" in line 1 :

" contravenes any of the provisions of this Regulation, or ".

In lines 2 and 3, substitute for the words "the requirements of this Regulation" the words "its requirements".

In line 5, substitute the words "such contravention or default" for the words "the default".

These changes have been made as the penalisation of the contravention of the provisions of the Regulation has also been considered necessary to ensure a satisfactory working of the societies.

Clauses 22 and 23.

Re-number these clauses as clauses 26 and 27.

Clause 24.

Re-number as clause 28, and in sub-clause (2) (*c*), insert the word "report" after the word "return". In sub-clause (2) (*e*), omit the words "and actuaries", after the words "auditors" occurring in line 1.

This amendment is made to bring the provision in conformity with those in the preceding clauses.

Clause 25.

Re-number clause 25 as clause 29.

Clause 26.

Delete this clause.

As the Bill has undergone substantial alterations, we request that it may be re-published with the amendments.

A copy of the Bill as amended is also appended hereto. (Appendix A.)

A. Venkatarama Aiyar—Chairman
K. Paramesvaran Pillai
A. S. Damodaran Asan
K. P. Abraham
S. Krishna Pillai
K. C. Karunakaran
K. P. Madhavan Pillai.

Supplement B.

APPENDIX A.

The Travancore Provident Insurance Societies Bill.

(As revised by the Select Committee.)

CONTENTS.

PREAMBLE.

Clauses. *Preliminary.*

1 Short title and extent.
2 Definitions.
3 Application of Regulation.
4 Deposit by Societies.

General.

5 Insurable interest.
6 Provision to be made by rules.
7 Registration of Provident Insurance Societies.
8 Name of Society and change of name.
9 Unregistered society not to receive premium or contribution.
10 Amendment of rules.
11 Right to supply of copies of rules.
12 Register of Members.
13 Publication of authorised, subscribed and paid-up capital.
14 Office.
15 Amalgamation or transfer.
16 Procedure on amalgamation or transfer.
17 Revenue account and balance sheet.
18 Delivery and publication of revenue account, etc.
19 Record of insurance effected on life other than life of person insuring.
20 Inspection of books.
21 Inquiry.
22 Cancellation of registry.
23 Liquidators.

Appeals.

24 Appeals.

Offences and Procedure.

25 Penalty for non-compliance with Regulation.
26 Penalty for falsifying documents.
27 Cognizance of offences.

Rules.

28 Rules.

Miscellaneous.

29 Saving of existing policies.

(The Travancore Provident Insurance Societies Bill as revised by the Select Committee.)

(Portions in smaller types and italics in the Bill indicate the amendments suggested by the Committee.)

A Regulation to provide for the regulation of Provident Insurance Societies.

Whereas it is expedient to provide for the regulation of Provident Insurance Societies; it is hereby enacted as follows—

Preliminary.

Short title, extent and commencement

1. (1) This Regulation may be called "The Travancore Provident Insurance Societies Regulation of 110 " and

(2) It shall extend to the whole of Travancore.

(3) *It shall come into force on............*

Definition.

2. In the Regulation, unless there is anything repugnant in the subject or context: —

(1) "Court" means the principal Civil Court of original jurisdiction in a district:

(2) "financial year" means each period of twelve months at the end of which the balance of the accounts of any Provident Insurance Society is struck, or, if no such balance is struck, then the calendar year:

(3) "life assurance business" means the issue of, or the undertaking of liability under, policies of assurance upon human life, or the granting of annuities upon human life:

(4) "policy of assurance on human life" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life:

(5) "policy holder" means the person who for the time being is the legal holder of the policy for securing the contract with the Provident Insurance Society:

(6) where a Provident Insurance Society grants annuities upon human life, "policy" includes the instrument evidencing the contract to pay such an annuity, and "policy-holder" includes annuitant:

(7) "prescribed" means prescribed by rules made under this Regulation:

(8) "Provident Insurance Society" means any person who, or body of persons whether corporate or unincorporate which, receives premiums or contributions for insuring money to be paid on the birth, marriage or death of any person or on

the happening of such other contingency or class of contingency as may be prescribed : and

(9) "Registrar" means any person who may be appointed by our Government to perform the duties of the Registrar under this Regulation.

Application of Regulation.

3. Nothing in this Regulation shall apply to any Provident Insurance Society carrying on life assurance business, which undertakes to pay on any life assurance policy or series of life assurance policies on any one life, an annuity exceeding fifty rupees, or a gross sum exceeding five hundred rupees, or which receives or undertakes to receive by way of premium or contribution for life assurance on any one life any sum exceeding two hundred and fifty rupees where the said premiums or contributions are payable for one year or a limited number of years, or exceeding twentyfive rupees in any one year where the premiums or contributions are unlimited in number and terminable on death or the occurrence of an uncertain event:

Provided that, in determining whether this Regulation applies to any Provident Insurance Society carrying on life insurance business, contracts entered into by the society before the commencement of this Regulation shall not be taken into consideration.

Deposit by Societies.

4. (1) Every Provident Insurance Society shall, if established before the commencement of this Regulation, within six months from such commencement, or before its registration, deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government, the sum of five thousand rupees, and until the Society keeps deposited the sum of fifty thousand rupees, shall annually deposit and keep deposited a sum equal to fifteen per cent. of the gross income derived from its business as shown in the revenue account for the last financial year :

Provided that a Society may at any time deposit the sum of fifty thousand rupees or make up its deposit to that value.

(2) The interest at the Anchal Savings Bank rate prevailing from time to time on the amount deposited under sub-section (1) shall be paid to the Society.

(3) The deposit may be made by the subscribers to the rules of a Society produced for registration, or any of them, in the name of a proposed Society and, upon the registration of the Society, shall be deemed to have been made by, and to be part of the assets of, the Society.

(4) The deposit shall be deemed to form part of the Provident Insurance Fund of the Society, and such fund shall be absolutely the security of the policy-holders.

General.

Insurable interest.

5. (1) No Provident Insurance Society shall receive any premium or contribution for insuring money to be paid on the death of any person other than the person paying such premium or contribution or the wife, husband, child, parent, brother or sister of such person, *nor shall any such Society issue any policy in which a person other than any such relation is nominated as the payee of the money insured.*

(2) No assignment of any policy shall take effect or be recognised for any purpose unless such assignment as attested by any such person as is prescribed in that behalf or is effected by an instrument registered under the law for the time being in force for the registration of assurances.

(3) The nomination of any such relation as is mentioned in sub-section (1) as the payee in any policy shall take effect as an assignment on the death of the policy-holder.

Provision to be made by rules.

6. Every Provident Insurance Society shall, by its rules,—

(a) specify the object, name and registered office of the society;

(b) prescribe the proportion of the annual income of the society derived from premiums or contributions which may be disbursed for the expenses of management of the society;

(c) in the case of a society which by rule or practise divides any part of the funds thereof, provide for the payment of all debts due by the society existing at the time of division before any such division has taken place;

(d) specify the provisions regarding the safeguards relating to the correctness of the particulars to be contained in the proposal for the policy and the identity of the proposer;

(e) provide for the transfer to the reserve fund or other modes of disposal of arrears realised in cases of revivals of policies not taken as available for distribution among the policy holders entitled to claim the same in cases of societies of the dividing type;

(f) provide for the payment of the assured amounts in cases of dividing societies with respect to life assurance policies after the expiry of a specified period during which payments are required to be made regularly only on the death of the insured; and

(g) provide for any other matters which may be prescribed.

Registration of Provident Insurance Societies.

7. (1) (a) Every Provident Insurance Society shall, within *six* months from the commencement of this Regulation, or, if established after the commencement of this Regulation before it receives any

premium or contribution, apply to the Registrar for registration under this Regulation, and shall deliver to him a copy of the rules of the society.

(b) Such applications and rules shall, in the case of incorporated bodies, be signed by the directors of the society on the date of the registration and shall be accompanied by a list of directors as required under Section 87 of the Travancore Companies Regulation I of 1092, and a statement signifying the consent of the directors as required under Section 84 in the form prescribed therefor, under the said Regulation.

(2) The Registrar shall, on being satisfied that such rules comply with the provisions of this Regulation acknowledge the receipt of the rules and register the society and its rules.

(3) If the Registrar is not satisfied that the rules or any of them comply with the provisions of this Regulation, he shall send to the Provident Insurance Society a notice by Post or Anchal stating in what respect such rule or rules is or are not in accordance with the provisions of this Regulation and calling upon such society to deliver to him an amended rule or rules within sixty days.

(4) On receipt of a notice under sub-section (3), the Provident Insurance Society may within sixty days deliver to the Registrar an amended rule or rules in conformity with this Regulation, and the Registrar shall thereupon acknowledge the receipt of the rules and register the society and its rules as hereinbefore provided.

8. (1) Notwithstanding anything contained in Section 7 (2), no Provident Insurance Society shall be registered by a name identical with that by which a company or society already in existence is registered or so nearly resembling that name as to be calculated to deceive, except where the company or society in existence is in the course of being dissolved and signifies its consent in such manner as the Registrar requires. Name of the Society and change of name.

(2) If a Provident Insurance Society, through inadvertence or otherwise, is, without such consent as aforesaid registered by a name identical with that by which a company or society in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first mentioned Provident Insurance Society may, with the sanction of the Registrar, change its name.

(3) A Provident Insurance Society shall not be registered by a name which contains any of the following words, namely :—

"Maha Raja", "Royal", "Crown", "Emperor.", "Empire" "Empress", "Imperial", "King", "Queen", "Government", or words expressing or implying Our sanction, approval or patronage, or that of

His Majesty the King Emperor, or the Government of India, or a Local Government in India, except where the consent of Our Government to the use of words as part of the name of the Society, signifying Our sanction, approval or patronage is obtained by an order in writing under the hand of the Chief Secretary to Our Government, or in the case of words expressing or implying the sanction, approval or patronage of His Majesty the king Emperor, the Government of India or a Local Government in India, the Governor-General-in-Council signifies his consent to the use of such words as part of the name of the Society by order in writing under the hand of one of the Secretaries to the Government of India.

(4) Any Provident Insurance Society may, by special resolution and subject to the approval of Our Government signified in writing under the hand of the Chief Secretary to Our Government, change its name.

(5) Where a society changes its name, the Registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of having done so. On the issue of such a certificate, the change of name shall be complete.

(6) The change of name shall not affect any rights or obligations of the society, or render defective any legal proceedings by or against the society, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name."

Procedure on amalgamation or transfer.

16. Where an amalgamation takes place between any Provident Insurance Societies or where the business of one such Society is transferred to another, the combined Society or the purchasing Society, as the case may be, shall within one month from the date of the completion of the amalgamation or transfer, deposit with the Registrar :—

(a) certified copies of statements of the assets and liabilities of the Societies concerned in such amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer, and

(b) a certified copy of the agreement or deed under which the amalgamation or transfer is effected, and

(c) certified copies of the expert's reports upon which the agreement or deed is founded ; and

(d) a declaration by the Society, that to the best of the belief of the signatory or signatories every payment made or to be made to any person whatsoever on account of the amalgamation or transfer is therein fully set forth, and that no other payments beyond those set forth have been made, or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer.

Unregistered society not to receive premium or contribution.

9 No Provident Insurance Society shall receive any premium or contribution, unless it is registered in accordance with the provisions of this Regulation :

Provided that this prohibition shall only apply to a society established before the commencement of this Regulation :—

(a) When such society has applied for registration *and made the deposits* in accordance with the provisions of Section 7 from the date of the order of the Registrar refusing registry.

(b) When such society has not applied *and made the deposit* as aforesaid—after six months from the commencement of this Regulation.

Amendment of rules.

10. (1) No amendment of any rule of a Provident insurance Society shall be valid until the same has been registered under this Regulation for which purpose a copy of the amended rule shall be sent to the Registrar.

(2) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Regulation, issue to the society an acknowledgment of the registration of the same.

Right to supply of copies of rules.

11. Every Provident Insurance Society shall, on demand, deliver free of cost to any member of the society a copy of the rules of the society, and to any person other than a member a copy of such rules on the payment of a sum not exceeding one rupee.

Register of Members.

12. Every Provident Insurance Society which is not registered under the Travancore Companies Regulation, 1092, shall cause to be kept in the prescribed form a register of the names and addresses of its members.

Publication of authorized, subscribed and paid-up capital.

13. Where any notice, advertisement or other official publication of a Provident Insurance Society contains a statement of the amount of the authorized capital of the society, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up.

Office.

14. Every Provident Insurance Society which is not registered under the Travancore Companies Regulation, 1092, shall have an office on the outside of which it shall display and keep displayed its name *in English and one of the vernaculars prevailing in the locality* in a conspicuous position, in legible letters,

to which all communications and notices may be addressed, and shall give notice to the Registrar of the situation of such office and of any change therein.

Amalgamation or transfer.

15. (1) Where it is intended to amalgamate two or more Provident Insurance Societies or to transfer the business of one Society to another, such Society or Societies may apply to the Court, by petition, to sanction the proposed arrangement.

(2) Before any such application is made to Court, notice of the intention to make the application shall be published in Our Government Gazette at least one month before the application is made.

(3) A statement of the nature of the amalgamation or transfer, as the case may be, together with an obstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected, shall be prepared and a report from an expert agreed to by the Societies proposing such amalgamation or transfer with respect to the state of affairs of the Societies concerned, shall be obtained and copies of the statement and reports shall be transmitted to each policy holder of the societies, unless the Court otherwise directs.

(4) The agreement or deed under which the amalgamation or transfer is effected shall be kept open for the inspection of the policy-holders and share-holders at the offices of the Societies for a period of 15 days after the last publication of the notice under sub-clause (2).

(5) The Court after hearing the Directors and persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection to the arrangement has been established.

(6) The Court shall not sanction the amalgamation or transfer in any case in which it appears to the Court that 1/10 or more of the total number of policy holders of the Society which it is proposed to amalgamate or in any Society the business of which it is proposed to transfer, dissent from the amalgamation or transfer.

(7) No Provident Insurance Society shall amalgamate with another, or transfer its business to another unless the amalgamation or transfer is sanctioned by the Court in accordance with this section.

Revenue account and balance sheet.

17. Every Provident Insurance Society shall, at the expiration of each financial year, prepare a revenue account and balance sheet in the prescribed form and verified in the prescribed manner, and shall cause them to be audited by an auditor possessing the prescribed qualifications *whose report in the prescribed form shall be attached to such balance sheet.*

18. Every Provident Insurance Society shall, within *three* months of the expiration of each financial year, deliver to the Registrar the revenue account, balance sheet *and the auditor's report* required by Section 17, and shall publish them in the prescribed manner.

Delivery and publication of revenue account, etc.

19. Every Provident Insurance Society shall maintain in the prescribed form a record of every insurance effected on a life other than the life of the person insuring, and shall deliver a copy of such record to the Registrar, together with the balance sheet, revenue account and *auditor's report referred to in Section 17.*

Record of insurances effected on life other than life of person insuring.

20. The books of every Provident Insurance Society shall at all reasonable hours be open to inspection by the Registrar, or by any person appointed by him in this behalf or by any member of the society.

Inspection of books.

21. (1) The Registrar may, if he thinks fit, of his own motion, and shall, upon the application of ten or more members or policy-holders of a Provident Insurance Society, hold or direct an inquiry to be held by a person possessing the prescribed qualifications appointed by him by order in writing in this behalf as to the solvency of any Provident Insurance Society or as to the manner in which the business of any such society is conducted.

Inquiry.

(2) An application to the Registrar under sub-section (1) shall be supported by such evidence as the Registrar may require for the purpose of showing that the applicants have good reason for applying for an inquiry.

(3) The Registrar may require the applicants under sub-section (1) to give such security as he thinks fit for the costs of the proposed inquiry before such an inquiry is held.

(4) All expenses of, and incidental to, or preliminary to, any inquiry made on application as aforesaid shall be paid by the applicants therefor or out of the funds of the society or by the members or officers of the society in such proportions as the Registrar may direct by order in writing.

(5) An order made under sub-section (4) shall on application be enforced by any Civil Court having local jurisdiction in the same manner as a decree of such Court.

(6) A person holding an inquiry under this section shall have access to all the books and documents of the society, and shall have power to call upon the society and the officers of the society to furnish such statements and other information in relation to its business as he may direct.

(7) The result of the inquiry shall be communicated to the society and to the applicants (if any).

Cancellation of registry.

22. When an inquiry has been held under Section 17, the Registrar may, if he is satisfied—

(a) that the society is insolvent, or must necessarily become so, or

(b) that the business of any such society is conducted fraudulently or not in accordance with the rules thereof,

after giving previous notice in writing in such manner as he thinks fit specifying briefly the grounds of the proposed cancellation, cancel the registry of the society.

Liquidators.

23. (1) Where the registry of a Provident Insurance Society is cancelled in accordance with the provisions of Section 18 the Registrar may appoint a liquidator to wind up the society.

(2) A liquidator appointed under sub-section (1) shall have power—

(a) to institute or defend any legal proceedings on behalf of the society by his name of office;

(b) to determine the contribution to be made by members of the society, respectively, to the assets of the society;

(c) to investigate all claims against the society and to decide questions of priority arising between claimants;

(d) to determine by what persons and in what proportions the costs of the liquidation are to be borne; and

(e) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society.

(3) Subject to any rules of procedure made under this Regulation, a liquidator appointed under this section shall, in so far as such powers are necessary to carry out the purposes of this section, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and as far as may be in the same manner as is provided in the case of a Civil Court by the Civil Procedure Code, 1100.

(4) Orders made under this section shall on application be enforced as follows:—

(a) when made by a liquidator, by any Civil Court having local jurisdiction in the same manner as a decree of such Court;

(b) when made by the Court on appeal, in the same manner as a decree of the Court.

Appeals.

Appeals.

24. (1) An appeal shall lie to the Court within thirty days—

(a) from an order of the Registrar refusing to register a Provident Insurance Society or any rules or amendments of rules of such society;

(b) from an order of the Registrar cancelling the registry of a society;

(c) from an order made by a liquidator appointed under Section 19.

(2) Save as hereinbefore expressly provided, orders made under this Regulation shall be final and conclusive.

Offences and Procedure.

Penalty for non-compliance with Regulation.

25. Any Provident Insurance Society which *contravenes any of the provisions of this Regulation*, or makes default in complying with any of *its* requirements, and every director, manager or secretary or other officer or agent of the society, who is knowingly a party to such contravention or default, shall be punishable with fine which may extend to five hundred rupees, or in the case of continuing default, with fine which may extend to two hundred and fifty rupees for every day during which the default continues.

Penalty for falsifying documents.

26. If any register, account balance sheet or other document required by this Regulation is false in any particular to the knowledge of any person who signs it, such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Cognizance of offences.

27. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Rules.

Rules.

28. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) contingencies or classes of contingencies and thereby extend the application of this Regulation to the receipt of premiums or contributions for insuring money to be paid on the happening of such contingencies or class of contingencies;

(b) the matters in respect of which a society shall make rules;

(c) the form of any account, return, *report* or register required by this Regulation, and the manner in which any such account, return or register shall be verified;

(*d*) the fees to be charged for matters transacted under this Regulation, and the manner in which the same are to be collected;

(*e*) the qualifications of auditors under this Regulation;

(*f*) the manner in which any document required to be published by this Regulation shall be published; and

(*g*) the procedure to be followed by liquidators under this Regulation.

(3) The power to make rules conferred by this Regulation is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Regulation shall be published in Our Government Gazette, and on such publication shall have effect as if enacted herein.

Miscellaneous.

Saving of existing policies.

29. No policy effected before the commencement of this Regulation with a Provident Insurance Society shall be deemed to be void by reason only that the insurance is not authorized by this Regulation.

Appendix B.

The Provident Society Vigilance Committee.

Mr. Thakorlal P. Thakor, President, Managing Proprietor, Praja Bandhu.
,, Jivanlal V. Desai, Bar-at-law.
,, Balvantray P. Thakor, Principal, Proprietory High School.
,, Jivanlal Hariprasad Divan Secretary, Gujarat Province Congress Committee.
,, Devaprasad P. Metha, B. A., L. L. B.
,, Khandubhai K. Desai, Shantak, Assistant Secretary, Labour Union.
,, Motilal Trikamalal Shah, President, Ahmedabad District Local Board.
,, Ramanlal Govindlal Bhah, G. D. A., Auditor.
,, Chendulal Bhagubhai Dalal B. com., Municipal Auditor.
,, Chinubhai Lallubhai Mehta, Merchant.
,, Nandlal Manilal Shah, Secretary, B. A., M. SC. (America.)

REPORT ON THE FREE INSURANCE COMPANIES AND PROVIDENT SOCIETIES WORKING IN THE BOMBAY PRESIDENCY.

As most of the members joining the Free Insurance Companies and Provident Societies, which have recently sprung up like mushrooms in Gujarat and in certain other parts of India, are men belonging to the labouring classes and agriculturists entirely unable to understand in the slightest manner the complexity of the working of these companies, some of their well-wishers thought that the matter was of sufficient importance to merit the attention of the Working Committee of the Indian National Congress. They accordingly deputed one of them to see the President of the working committee who suggested that a committee of persons taking interest in the working of the societies should be formed which should prepare and submit its report to the Working Committee at its next meeting. Accordingly the Provident Society Vigilance Committee was formed which has prepared the following Report for submission to the Working Committee on the basis of the replies received from several companies in response to the questionnaire circulated among them and the expert opinions of Actuaries.

INTRODUCTION.

It was 25 years ago that 1,200 societies of a Provident Insurance Society type were in existence in Gujarat, Punjab, and other provinces of India. Within ten years of their birth as many as 1,166 societies out of these 1,200 were obliged to close their doors (1907-10) and the adventurers who floated these companies succeeded in filling their pockets at the cost of the ignorant poor.

It is exactly after a generation that a new set of adventurers has again sprung up and started these societies working on the Dividing principle under the misleading name of "Free Insurance Companies." There are about 40 of them working in Gujarat alone, during the last year and the total number over the whole of India exceeds 100.

Most of them are working in more or less the same principles of a Dividing society nature. The total receipts from members, less expenses, are divided among the nominees of members who happen to die during a month. The usual premium is Re. 1 per month together with an Admission fee of Rs. 5-8 and the annual fee of Re. 1 only. Some charge Re. 1 as death call only in case of death among the members.

The age of members at admission is form 14 to 60 years and in most cases it is from 18 to 55. No proof of age is necessary nor is there any medical examination, but in most cases there is a qualifying period of three to six months. Man

or women, old or young are all admitted at the same rate of premium of Re. 1 per month without discrimination and the period of retirement when the monthly death call ceases is fixed from 12 to 14 years. On survival of this period 50 per cent. over and above the amount paid by a member towards the death call is guaranteed by most of the companies, while a few promise to make good the deficiency between the guaranteed amount and the survival benefit paid on retirement, at the time of death. The percentage of premium reserved for expenses including collection charge varies from 10 per cent. to 30 per cent. in addition to the admission fee and the annual fee while 10 per cent. are taken to the Reserve Fund.

Such schemes are regarded by eminent Actuaries like Mr. H. E. Jones, Mr. Douglas Forrest and Prof. L. S. Vaidyanathan of the Oriental Government Security Life Assurance Company and Mr. G. S. Marathey as unscientific, unsound and unworkable. They all agree that the benefits promised are much too large as compared to the contributions received. Mr. Marathey is of opinion that the guarantee to pay an amount exceeding 150 per cent. of the amount paid as premium, whether on death or on survival, cannot be fulfilled according to the ordinary laws of insurance. Prof. Vaidyanathan says, 'I do not know if the premium collected is sufficient to fulfil this guarantee.' Mr Jones does not think that 'it would be beyond the bounds of possibility for a society of this kind to become unable to meet its obligation.' Mr. A. C. Sen of Calcutta regards 'the fulfilment of the "guarantee" as rather problematic as there is no scientific data to form an intelligent anticipation of the future happenings.'

As no such company working on the Dividing plan has ever survived 12 years, the question of the fulfilment of the 'guarantee' has never arisen and is never likely to arise in future. A larger benefit than the amount paid in premiums can only come from two sources, interest and subscription of future members. Mr. Marathey is of opinion that 'the accumulation of interest does not proceed so rapidly as to enable a company to guarantee in all cases, one and one half times the amount paid. As to drawing upon future members, it is rather an uncertain speculation and not in keeping with the scientific theory.

These schemes show very grand results in the earlier years but when the membership would diminish members may not get back even the premiums paid. This is evident, because as large amounts are paid away at earlier stages, (to attract new members) there is a shortage at the later stages.'

The above opinion of Mr. Marathey, who is a member of the Maharashtra Provincial Congress Committee and who is a consulting Actuary of very long standing (1911) is supported by

that of Prof. Vaidyanathan, the only Indian fellow of the Institute of Actuaries, who says that a life office does not depend materially on its getting new members while a Dividing Society depends mainly on the influx of new members from year to year for its successful working. Once such influx stops the Dividing Society will invariably come to grief, *i. e.*, find itself unable to meet its obligations.'

Mr. Meikle, the Government Actuary, writes in the Insurance Blue Book of 1918 that 'such Dividing Schemes have been the curse of Insurance enterprises in India.'

Mr. Douglas Forrest is positive that 'before many years elapse these collective Insurance Societies which have started in India will have to close their doors owing to want of new members. The harm which the failure of such societies would cause to Life Assurance in general in India is another feature which one does not like to contemplate.'

Mr. Jones corroborates this view by saying that 'as the average age of the members increases, number of claims per month will gradually increase and the amount available for each death claim will gradually become less. When this becomes known the popularity of the society will at once start to wane and the amount available will dwindle rapidly until the society finds itself unable to carry on any longer.'

These remarks are borne out by the figures of the distributed claims, published by the Venus Assurance Co., Ltd.. (Delhi), managed by a strong Directorate composed of some eminent Congressmen like Mr. T. Prakasam and Sjt. Dadubhai Desai. The amount distributed per death in February 1930 was Rs. 938-9-0. This sum began to decrease gradually until it became Rs. 362 for December 1930 and Rs. 301-15-0 for January 1931. The total number of membership exceeds 80,000, out of whom more than 16,000 members have lapsed, losing all claims to the benefits of the company. The company spent in the year 1929-30 nearly Rs. 1,15,000 out of nearly Rs. 1,50,000 collected from members as admission fees, annual fees and death calls and has distributed Rs. 20,000 only, *i. e.*, 13 per cent. of the total collections among the nominees of the members who are dead. Out of Rs. 7,18,000 collected during the last year (1930-31) nearly Rs. 1,72,000 have been distributed among the nominees of the members who are dead, which is 24 per cent. of the total collections. The company is registered under the Life Assurance Act (Act VI of 1921) and has opened this Free Insurance Branch in 1928, in spite of the unfavourable opinion of their consulting Actuary, Mr. G. S. Marathey, who has asked them not to use his name in connection with the Free Insurance Scheme.

The figures of the new Bombay Banking Corporation Ltd., started by Thakore Gopalsing, Chauhan, Ex-secretary of the

Yaval District Congress Committee, East Khandesh, with all the Directors belonging to the Congress creed, tell the same sad tale. The claim distribution of Rs. 500 in April 1930 has dwindled down to Rs. 201 in December 1930. Both these companies are the pioneers in the Free Insurance field and the Venus authorities in Gujarat gave a misleading illustration of the possibility of distributing Rs. 80,000 to a claimant, if 1,00,000 members were enrolled, over-looking the utter impossibility of only one member dying out of 1,00,000 members during a month. This extravagant illustration was blindly copied by the New Bombay Banking Corporation which forgot in its over-zeal to attract new members the Section 3 of the Provident Insurance Societies Act V of 1912, under which it was registered, limited its distribution to Rs. 500 only.

Having well-known Congressmen on its roll of Directors the Venus Company attracted good business. The Banking Corporation imported the message of Sirdar Vallabhai, the President of the Indian National Congress, for the purposes of its propaganda saying that to remove the ill-effects of employment he advised people to support Indian Insurance and hence to enrol themselves as members of the new Bombay Banking Corporation.

This gave a totally different colour to schemes of this nature and people enrolled themselves in their thousands to acquire large benefits at small premiums. The number of members so enrolled exceeds 1,00,000 in Gujarat alone and the total sum collected from them exceeds Rs. 15,00,000. The monthly income of such companies exceeds Rs. 3,00,000. In terms of Insurance they have done business of three crores of rupees during the last year and are writing business of sixty lacs of rupees every month.

Such companies are bound to come to grief unless they resort to unfair tactics, such as disqualifying claims received, encouraging lapses, and in other ways raising difficulties in the way of persons keeping up the policies. The crash is bound to come as it came in the past and when it comes it is bound to affect the growing popularity of the Indian Insurances in general and that of the right sort of Indian Provident Companies in particular.

The expenses of these companies are also very heavy as the office work of such companies is about 18 times as much as that of ordinary Life Companies for the same amount of policy. The terms of the Managing Agents in some cases are exorbitant and calculated to encourage lapses and reviving them and to enrol more and more new members without regard for their continuance.

The average age of members of such companies varies between 40 and 50 and the proportion of sexes is 40 to 60 percent. A male

member of an accepted age of 46 years and certified to be in good health by a medical examiner pays Rs. 79 - 8 - 0 as premium for Rs.1,000 endowment policy (without profits) to be paid at the age of 60 years or on death earlier, according to table III of the Oriental Government Security Life Assurance Company, Limited. It passes common understanding how guarantees of paying Rs. 252 can be fulfilled by such companies by charging Rs. 12 per year instead of Rs. 20 per year, especially when their expenses are bound to be higher than those incurred by ordinary Life Assurance Companies.

We, therefore, take the liberty of requesting the Working Committee of the Indian National Congress that it should declare unequivocally that such Free Insurance Companies working on the Dividing Principle are not Life Insurance Companies and they being unscientific, unsound and unworkable should receive no support from the public in the name of Swadesi. The Companies should be requested to remodel their schemes after consulting eminent Actuaries for their own safety and the safety of their members, and they should suspend their business till the new, approved scheme is ready. Our reasons for the above request are as follows :

1. The past experience of such companies started during the first decade of the present century indicates invariable failure of such companies.

6 Such companies are not based on actuarial calculations and the name "Free Insurance" given to them by their promoters is a misnomer because it is really speaking a more expensive form of Insurance than ordinary Life Insurance.

3. They are unactuarial and hence unscientific, unsound and unworkable and are bound to come to grief unless they resort to unfair methods.

4. The paid up capital of such companies, except one which is doing higher Insurance business, does not exceed Rs. 5,000 which is quite insufficient to meet the future obligations of the company.

5. The Reserve Fund that are being built up seem to be hopelessly inadequate to fulfil the retirement clause.

6. As there is no proof of age and no medical examination old and sickly people enlist themselves as members under such schemes and inflate the death ratio to $2\frac{1}{2}$ and 3 per 100 per month which is double that of ordinary Life Insurance Companies. As time elapses, this ratio will go higher still and will prevent the influx of new members upon which depends the very existence of the company.

7. A large number of the Managing Agents are adventurers out to make money by voting themselves fat salaries and commission and are making fantastic promises of larger returns in a

short time and are practically robbing the poorer of the public of their hard-earned money. Most of them are insurance canvassers who have raised themselves all of a sudden to the status of Managing Directors. Some of them are also discovered to have a shady past.

8. The personnel of the Directors is composed mostly of men of some social status who are taken in by the catch-phrase of Swadeshi and some of them are now tendering their resignations when they discovered the truth behind thin veneer of Swadeshi.

9. A majority of these companies are making changes in the rules from time to time which are detrimental to the interests of the existing members Gujarati prospectuses of some of the companies differ materially from their English prospectuses.

10. All such companies do not promise to pay any fixed sum within a fixed period of time to the nominee of the deceased.

11. Some companies promise to pay surrender value and loans on paid-up polices, which it is impossible to give under such schemes.

12. The most objectionable feature of such societies is the form in which their accounts are drawn up which is so complicated that in the case of many societies even an expert cannot gauge therefrom the true position of a society.

13. These companies are a curse to Indian Insurance enterprise.

I beg to remain,
Sir,
Your most obedient servant,
(Sd.) THAKORLAL P. THAKOR,
President.

The Provident Society Vigilance Committee.
(True Copy.)

APPENDIX C.

Dividing Principle in Insurance.

Mr. H. L. Humphreys write in January issue:— "The article appearing in your November issue concerning the Neptune Assurance Company, Limited, is, I am afraid, liable to mislead your readers. This Company offers a scheme based on the Dividing principle. During the last few months I have had occasion to examine schemes of this nature of a number of Societies and Companies including that of the Company which is the subject of your article. I have not yet seen a Dividing scheme which is sound or workable and in all cases I have endeavoured to point out the unsoundness of the principle in general as well as of the scheme under consideration in particular.

From the article you publish it would appear as if this Company, and therefore by implication any other similar Company, has acquired merit by virtue of having attracted some 16,000 to enter a scheme which is unsound. I cannot agree with that. Further the article compliments the Company on having arrived at a "correct working principle"; this refers to an amended scheme which the management will "shortly place before the public." I can express no opinion on a scheme not yet published but assuming, as I do, that it retains the Dividing element I can assert with confidence that the Dividing system cannot be a "correct working principle." I make this assertion the more confidently as it is confirmed by others with actuarial qualfications.

The point involved in the matter is whether it is possible to draft a scheme incorporating the Dividing principle which is workable despite its being based on an admittedly unscientific principle. Can a sound scheme be built on an unsound principle? I unhesitatingly assert it is not possible. The Dividing principle must be excluded if the scheme is to be sound. Mr. G. S. Marathey alone appears to disagree with this although he has agreed that the Dividing principle is unsound. I regret having publicly to differ with Mr. Marathey particularly since he has a long experience and enjoys the confidence of a large number—if not the majority — of the smaller Companies in India. But the importance of the point of principle involved and the lakhs of persons who have been misguided enough to enter into these schemes makes it necessary to speak plainly. So far as I am aware Mr. Marathey stands alone in this matter. I do not ignore the possibility that Mr. Marathey may be right and all other actuaries wrong but I think it is improbable. The unfortunate history of the past concerning Dividing Insurance bodies cannot be ignored.

I hope that you will give space to this letter in your next publication so that a probable misapprehension arising from your article may be removed. Companies registered under the Provident Assurance Co. Act have been and still are offering Dividing schemes deemed by all authoritative opinion to be unsound. Until a new scheme is found to be sound and practical by a concensus of technical opinion I consider congratulatory remarks such as appear in your article are definitely contrary to the interests of a public which is at present suffering a great deal of misrepresentation and exploitation by these spacious Dividing schemes.

EXTRACTS FROM OUR REPLY.

"I am afraid, however, that the criticisms you have made do not perhaps rise upon the paper in question. There is scarcely anything in the review which might be reasonably in-

terpreted to mean that the Company in question has acquired, and therefore by implication any other company will similarly acquire, the merit of soundness merely by virtue of having a large number of members on the roll. Nor are we ever enamoured of the Dividing scheme, as the review in question makes it plain that the existing Provident Insurance Societies suffer from inherent defects which call for an effectual remedy. But while you may rightly denounce the Dividing principle as unsound in itself and undermining public confidence in the business of life insurance in general, I do not think that we should be justified in pronouncing ourselves against the Scheme which is not yet published, but which has at least the merit of approval, as we may suppose, of a trained expert with adequate actuarial qualifications. What we sought to imply was that a right start has been made, not the finish and it may now be fairly hoped that the Scheme brought out by the Company under actuarial advice, however imperfect it may be for the present, will at least provide a ground for further improvement in the light of fresher experiences. The continuance of the Dividing element, as it yet obtains, has been possible only because of the absence of actuarial directions at the helm of affairs. The very fact that you have had yourself many occasions recently to examine the Dividing scheme proves that actuarial directions have now been deemed necessary for the proper conduct of the business and any tentative scheme drawn up by an Actuary, however imperfect it may be in the initial stage, is surely to be welcomed.

I beg, however, to differ outright from your view that we should have a 'concensus of technical opinion' on a scheme before we allow ourselves to make any congratulatory remarks upon the merits of the same. A concensus of opinion, after all. is possible only in an advanced state of things, for it is an unfortunate fact of history that most converts by facts as they are established, and not by the closeness of thought of a few advanced thinkers. For instance, actuarial views in Great Britain itself are yet essentially inclined in favour of the net premium method of valuation. But the net premium method is not, after all, the last word said on the subject. It has at last come to be questioned, though only by a few up till now, and will no doubt be superseded by one with a closer appreciation of the facts as they do obtain."

* * * *

G. S. Marathey, M. A., A. I. A., writes in March issue:—

My attention has been drawn to a letter by Mr. Humphreys, appearing on page 118 of your January number, in which he has taken objection to your congratulatory remarks about the progress of a company working on the basis of a Dividing scheme. In his letter he has gone so far as to lay down that a

concensus of technical opinion is necessary before declaring a new scheme to be sound and practical. Unfortunately, he has failed to add the words, based on an unsound principle" after the words "New-Scheme". Probably he meant this and if these words had been added, he would not have laid himself open to the criticism in the reply given to him by you. I take it however that he wants people to be careful about accepting any scheme embodying a Dividing principle as sound, unless it is approved by a number of Actuaries. I agree with him so far that people should keep their minds open and think further about the soundness of any scheme embodying the Dividing principle which has been approved by only one Actuary. I do not agree with him, however, that the approval of one Actuary only, should be considered as of no value at all.

I am glad, however, that Mr. Humphrey's letter has given me an opportunity to give an explanation, as to the circumstances under which, and the reason why, I gave my approval to a scheme which, although very much different from crude schemes which were in use, still retains the Dividing principle. I can quite imagine how about a year ago it might have come as a great surpise even to me, to hear of a new scheme on the Dividing principle being offered to the public with an Actuary's approval. Before the wave of Dividing Societies came on I had expressed my disapproval of such societies in speeches and writings. My first published article in this connection appeared about 15 years ago in a Marathi paper at Nagpur. At the risk of over-estimating my own importance I may say that the Vigilance Society started at Ahmedabad derived more help in its campaign from my expressed views than from those of any other Actuary. To many private enquiries also, I had given my refusal to deal professionally with any Dividing scheme. Such schemes had been discussed by me a number of times and I had never thought it possible to prepare a workable scheme.

While the agitation started by the Vigilance Society was at its height, a responsible representative of the Venus Assurance Company called upon me with an earnest request, to give him a modified scheme in the place of the one which the Company was working with. He said, 80,000 people had become members of his Scheme and if the Scheme was to be given up at that stage, a great hardship and injustice would be fall all the members, a large majority of whom were poor. My first reply was a refusal but then I could not put out of my mind, the hardship to the poor people also. Continuing the Scheme was sin while discontinuing was injustice, and some way had to be found out of the difficulty. I asked the representative of the Venus, whether he would agree to such changes as I might think necessary. He said that the Dividing appearance should not be taken away and subject to this he would agree to any changes. I thought over this matter with the object of finding

out whether the Dividing principle may be removed without taking away the Dividing appearance. I decided that this would be made possible by creating a strong reserve fund and providing an automatic machinery, by which the claim amount at each distribution could be made limited and uniform, so that the Scheme would in effect become something like the Triple Benefit plan of the Oriental, but differing in the benefits. We two, then, set about discussing the various details. The discussion lasted for a number of days, for, of course, I had to attend to such routine business as was of the most urgent nature. A scheme was evolved with a number of safeguards, one of which, although of the greatest importance would not be embodied in the Scheme as published, because it was necessary to keep up the Dividing appearance. This, however, was communicated to the Company as an instruction for the guidance of the Directors.

The success of the Vigilance Society was for some time a matter of satisfaction, but very soon, the destructive side of it became apparent; and I thougt it necessary to write to that Committee, asking them to think of some constructive proposal. I offered them my help for this purpose; but I came to know, however, that this was not so easy. The destructive propaganda was successful because the Committee had got the powerful help of the Congress organisation, including circulars from Sirdar Vallabhai, and Mahatma Gandhi himself; but this help was not available for constructive purposes, and the Committee having tied itself with the Congress people, could not give them up for adopting any constructive programme. At least this, what I think, was the reason that all my suggestions for a constructive attitude, received no attention.

The principle of safeguards in the modified scheme were of the following nature :-

(1) The maximum age for charging the uniform premiums was brought down to 40 from 55; and extra premiums were imposed for ages above 40.

(2) A difference, as regards benefits was made between male and female lives.

(3) Proof of age was insisted upon, from age 30 at entry.

(4) A large percentage of arrears realised in the case of revivals and of such other premium income, as was not taken to distribution, was transferred to the reserve fund.

(5) Some companies had been offering distribution rights immediately on completing the term. This was changed and distribution was allowed at death only.

(6) The annual fee was increased and was made payable even after monthly payments were stopped.

(7) The most important point, however, was the unpublished instructions referred to above. On my recommendation it was provided in the rules that the amount to be transferred to the reserve fund would depend upon the discretion of the Directors, subject to a minimum of 10 per cent. and maximum of 40 per cent. It should be noted that the management shares are generally between 20 and 30 per cent, varying to some extent according to the number of years for which premiums were to be payable. As these were to be payable for a limited number of years only, there was a maximum to this amount of minimum guarantee. This maximum was 18 times the monthly premium (rupee one, in almost all cases) multiplied by the number of years in the premium-paying period. Thus in a scheme with premiums payable for 14 years, the maximum of minimum guarantee was Rs. 252. My instruction to the Directors was that the percentage of premiums to be transferred to reserve fund was to the figure which just fulfilled this maximum requirement. Then the balance available for distribution was much smaller than was available under the old rules. It is expected that if the Directors use their discretion intelligently the amount of death claim from distribution would remain fairly constant and at a reasonably moderate figure.

It will thus be seen that the Scheme as thus modified is now much different than the original scheme. In the crudest form of the Dividing Scheme, as started in India, there was no certainty about the total amount to be paid to the policy-holder and about the amount of benefit likely to be received by him. Uniform contribution was levied for every death and this was called Death-Call, while there was no limit to the number of death-calls which could be made. The benefit was thus the total amount received at the death-call during the distribution period, less a certain percentage for expenses. Perhaps provision for expenses was made by some special uniform charge. Later on innovations were introduced in the nature of this scheme. The number of death calls payable was limited and a reserve fund was set up. The latest method was to have a fixed monthly contribution instead of a call for each death. According to this improvement a member knows how much he had to pay but could not anticipate how much he would get; because the death benefits depended upon the number of the members on the roll in direct proportion and upon the number of deaths happening during the distribution period in inverse proportion

Such schemes, in spite of their defective nature, may, in rare cases work successfully for a long number of years; in fact there are a few, one in the Punjab, one in Bengal, etc., which are working fairly well for many years. The reason is,

that these institutions having attained a certain amount of stability were assured of a regular supply of new members, and the essential condition for satisfactory working of such companies. *viz.*, money from new members to pay to heirs of old members, was thus fulfilled. The difference between a scientific scheme and a Dividing scheme is that the former is capable of providing the expected benefits even if no new members join, while in the latter, the benefits will dwindle to a small amount if new members do not come in. Also under a Dividing Society Scheme the number of deaths in the first few years happen out of the small number who had been on the rolls at the time when the deceased members joined, but they receive benefit from the death-call received from much larger number on the rolls when the deaths take place. So that while the membership is increasing, the death benefits come out to be very large and appear very much attractive. Naturally a newly started Dividing Society is of a great advantage to the heirs of such persons as die early and of great disadvantage to those who live long. A scientific scheme avoides these extremes and confers as much regularity as possible.

The question before me then was whether I was to take a very orthodox and puritanic attitude, or whether I was to do something to help my countrymen, who had been misguided into becoming members of dividing societies. I chose the latter, I did what was possible under the circumstances and it follows that the scheme that has been given by me is not likely to be as scientific as the schemes usually given by me to regular Insurance Companies. I think, however, that this scheme is a sound one, if the words sound and scientific can be taken to have different meanings. The Scheme is certainly still defective. Experience will show what further changes shall have to be made. In the rules of some companies the right has been reserved by the companies to modify the Scheme, if found necessary, in the interest of the policy-holders; but this is not the case with many others. I hope, however, that with the help of legislative enactments, it will be possible to get over the difficulties in the way of making changes in these schemes.

One very important consideration which made me go to the help of these companies was the possibility of great harm happening to the Life Insurance by the failures of these companies, some time or other in the near futures. Well-wishers of the cause of Life Insurance in India are desirous of seeing the spread of Life Insurance amongst the poorest people. The Dividing Societies in many cases assumed the name of Insurance Companies when attracting a large number of poor people, and these poor people were not likely to know that the nature of the business of these companies was not Insurance in the

real sense of the word. Thanks to the good work done by Indian Insurance Companies. Insurance has really secured the good opinion of the middle classes at least in India and we do not want that it should lose its reputation among the poorest class.

When approving the modified scheme, I did not do so without making some calculation. The calculations were made on the basis of the following benefits:—An increasing assurance or a certain number of years, denoted by the premium payments, a small endowment at the end of the term for which payment of premiums are payable, and definite sum assured at the death. The total benefit including the endowment amount, if this has been given in advance on surviving the term, was assumed to be somewhat greater than the maximum amount of the minimum guarantee. The method of calculation was on the lines of what is called Industrial Assurance in England, paying due attention to the advantages and disadvantages of ssuing policies for small amount.

I have made my position as clear as possible in the above remarks. I do not, however, consider myself beyond an error of judgment and I shall be glad to correct myself if other Actuaries will make any constructive suggestion. It is very kind of Mr. Humphreys to hint at a possibility (though, equivalent to an improbability in his opinion) that I may be right and other Actuaries wrong, but I cannot appreciate his attitude in emphasizing the difference among Actuaries publicly without previous enquiry. In this particular case at least the difference was not real, because other Actuaries had not given me any hearing, and not even Mr. Humphreys had, as mentioned in his own letter, an opportunity to form a judgment about the modified scheme. Mr. Humphreys is very dogmatic that as soon as the words "Dividing Principle" are found associated with a scheme, an Actuary must turn his face as did jesting Pilate, when he was confronted with the word "Truth". In my opinion, India has yet to go through many vicissitudes like every rising country and pioneers must not flinch from undertaking a task which may ordinarily seem insurmountable but which has to be surmounted after all.

I must here refer to the kind remarks made about me by the Editor of the Insurance World in his reply to Mr. Humphreys which has been partly quoted on page 119 of the January number of the Journal and must thank him for the very sound reasoning he has adopted in that reply.—Insurance World.

(True Copy.)

The main defect of dividing Insurance business is that policy-holders in each class are charged the same rate of premium or subscription irrespective of their age on admission ranging even in some cases from 18 to 60 years. Life assurance business of this nature is not only unsound but is apt to lend itself to the practice of fraud on the part of policy- holders and agents and later on by the company. Before the Act of 1912 was passed there were numerous companies which transacted life assurance business on the Dividing plan and most of them came to grief. Of such companies which were in existence at the time of the passing of the Act the majority have disappeared and some have stopped issuing policies on the Dividing plan. A few new companies have taken up this Dividing insurance business and it will not be long before they realise their mistake.

Supplement C.

The following report of the Select Committee on the Travancore Insolvency Bill is published for general information.

(By order)

Huzur Cutcherry,
Trivandrum, 6th December 1932.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

To

The President,
Travancore Legislative Council.

Sir,

We, the undersigned members of the Select Committee to which the Travancore Insolvency Bill was referred, have considered the Bill and have now the honour to submit this our report.

Clause 3.

Line 1: Substitute the word "Courts" for the word "Court". It is only a drafting amendment.

Proviso: Delete. The Committee are of opinion that there is no necessity for delegating the powers of a District Court to Munsiffs' Courts. In the present state of trade and industry in Travancore, cases of insolvency occur generally in large centres of trade and industry where a District Court is functioning. The complicated nature of enquiry into conflicting claims arising in insolvency proceedings should be dealt with by judicial officers of great experience to ensure public confidence. Hence the change. We are aware that a Proviso like this finds a place in the Provincial Insolvency Act, 1920, of British India. But the conditions obtaining in Travancore are, in our opinion, considerably different and there is no justification for incorporating the Proviso in the Travancore law.

Clause 4.

Sub-clause (1), line 5: After the word "expedient" add the words "or necessary"

Add the following proviso to sub-clause (1):—

"Provided that, unless all the parties agree, the power hereby given shall not be exercised for the purpose of adjudicating upon any claim not arising out of the insolvency".

We consider that in the matter of claims not arising out of the insolvency, the Insolvency Court should not have power to adjudicate questions unless all the parties agree thereto.

Clause 5.

Sub-clause (2): Re-write as follows:—

"Subject as aforesaid, the High Court shall have in regard to proceedings under this Regulation in District Courts the same powers and shall follow the same procedure as it has and follows in regard to civil suits."

In view of the Committee's recommendation to delete the Proviso to Clause 3, this sub-clause has to be re-written in the above form.

Clause 7.

Explanation, line 1 : Insert the word "a" between the words "of" and "petition". This is only a drafting amendment.

Clause 10.

Sub-clause (2), line 1 : Insert the word "made" between the words "adjudication" and "under". This is only a drafting amendment.

Clause 11.

Line 1 : Insert the word "District" before the word "Court".

Line 2: Substitute the words "any local area in which" for the words "the local area where".

In view of the insolvency jurisdiction being vested in District Courts and not in any subordinate Court thereto, the above changes are made.

Proviso : Re-write the Proviso as follows :--

"Provided that no objection as to the place of presentment shall be allowed by the High Court in the exercise of its appellate or revisional jurisdiction unless such objection was taken at the earliest possible opportunity in the Court by which the petition was heard, and unless there has been a consequent failure of justice."

This is only a drafting amendment.

Add the following Explanation at the end of Clause 11 :—

"Explanation.—For purposes of this section a debtor who has not paid the debts he had contracted while engaged in a business, shall be deemed to be still carrying on the business."

There was some difference of opinion amongst the members of the Committee as to the significance of the expression "carrying on business". They had before them the case of a debtor who carried on extensive business in Travancore, incurred heavy liabilities and left the place of business. At the time of the presentation of the insolvency petition, he might, in fact, not be carrying on business. The question seems to have been raised both in British India and in England. The latest English and Indian decisions on the subject are for interpreting the words "carrying on business" on the lines of the Explanation set forth above. To avoid any doubt as to the proper interpretation of these words, the Explanation is added.

Clause 20.

Line 1: Substitute the word "an" for the word "on". It is only to correct a clerical mistake.

Clause 23.

Sub-clause (1): After the word "imprisonment" insert the words "or is likely to be arrested or imprisoned"; and after the word "release" insert the words "or the stay of the arrest or imprisonment, as the case may be".

As the provision in the Bill stands, actual arrest or imprisonment is necessary if the Court should, in any case, even in a very fit case, be

able to exercise the power granted by this Clause. We think that it is not necessary that an actual arrest or imprisonment should be made a condition precedent to the exercise of the powers of the Court. Even if a person is about to be arrested or imprisoned, the Court should have the power in a fit case to stay the arrest or imprisonment. Hence the amendments proposed.

Insert the following as sub-clause (4) :—

"The wilful default by a debtor to perform the duties imposed on him under Section 22 after being called upon to do the same by the Court, may be considered in making any order under this section."

Clause 24.

Sub-clause (4): Delete. Clause 5 (1) of this Bill refers to the Civil Procedure Code for purposes of procedure in connection with enquiries under this Regulation. Order XVIII, Rule 7 of the Code of Civil Procedure provides for the substance of the examination being made by the Judge. There is no necessity, therefore, of retaining this sub-clause.

Clause 25.

Sub-clause (1): Add the following as Explanation to sub-clause (1):—

"Explanation.—In the case of a petition presented against two or more debtors, the Court may dismiss the petition as to one or more of them without prejudice to the effect of the petition as against the other or others of them."

As the sub-clause stands, apparently the power of the Court is restricted to dismiss the petition against all the debtors, even though a case may be made out against one or more of the debtors. Section 96 of the Presidency-Towns Insolvency Act, and Section 115 of the English Bankruptcy Act, 1914, make an express provision for sustaining the petition against some of the debtors. That probably would be the interpretation placed on sub-clause (1) by the Court even as it stands. But to avoid any controversy on the point, we have added the above Explanation. It is drafted on the lines of the provision in the Presidency-Towns Insolvency Act and the English Bankruptcy Act.

Clause 28.

Sub-clause (3): Delete, and re-number the remaining sub-clauses.

We are aware that this sub-clause finds a place in the existing Insolvency Regulation. In the present state of trade and industry in the country, we do not feel the necessity of introducing the doctrine of "reputed ownership" in the Insolvency Regulation. The main reason ordinarily urged in favour of such introduction is to prevent a trader getting false credit on the strength of goods lying in his premises though the bulk of them may have been mortgaged or much of it may not have been paid for. This misconception is, to some extent, due to ignorance of the nature of mercantile transactions obtaining in the different centres of trade and industry in this State. In the ordinary course of business, goods are landed in the godowns of the merchants. The parties do not invariably settle the price at the time of landing.

Several preliminary operations have to be performed before the goods are actually sold, such as, drying of yarn and garbling of pepper. In those cases the ownership of the property cannot be said to have passed to the owner of the yard, though to a stranger coming into the premises it may create that impression. There are cases where an open loan is granted by banks on the security of goods lying in the yard of the debtor secured by proper vouchers, which, if carefully examined, would indicate that a debtor is not the absolute owner of the goods. To a very large extent the beneficial ownership is vested in the creditor. As the Section stands, the claims of innocent third parties may be jeopardized for the purpose of enlarging the rights of unsecured creditors. We do not find any moral justification for this course. Each case should be settled on its merits. We are not for any statutory presumption being made in favour of unsecured creditors generally at the sacrifice ofthe interests of others. We are aware that a similar provision regarding reputed ownership finds a place both in the Provincial Insolvency Act and the Presidency Towns Insolvency Act of British India. But conditions of the course of business in Travancore do not justify the retention of this sub-clause. The omission of this sub-clause would not in any way interfere with the doctrine of estoppel as set forth in Section 115 of the Indian Evidence Act.

Clause 31.

Sub-clause (1): Substitute the word "shall" for the word "may" occurring after the word "Court" in line 2.

Add the following to sub-clause (1), namely,—

"Provided that the Court may, for reasons to be recorded in writing either make an order refusing protection or make the order for protection subject to such terms and conditions as the Court thinks proper.

Provided further that the Court may, at any time, for reasons to be recorded in writing-revoke or modify any order under this sub-section.

Explanation.—The refusal of protection or an order for protection on terms and conditions may apply either in respect of all the debts of the debtor or to any of them as the Court thinks proper."

As the sub-clause in the Bill stands, it is left entirely to the discretion of the Court to make a protection order or not as regards the person of the insolvent. The English Law appears to grant an automatic protection as regards the person of the bankrupt. The practice in the British Indian Courts under the Provincial Insolvency Act appears also to be that a protection order as regards the person will be granted as a matter of course on an order of adjudication being made, but it is open to the Court to refuse to make such an order if there are any special reasons to support such a refusal. We think, therefore, that sub-clause (1) may be so amended as suggested above, and sub-clause (2) omitted, in order that an insolvent may get a protection order as a rule, unless there be any reasons which will militate against such protection being granted.

Sub-clause (2): Omit.

Sub-clause (3): Re-number this sub-clause as sub-clause (2).

Sub-clause (4): Re-number this sub-clause as sub-clause (3), and add the following at the end:-

" or to apply for the revocation of any order under this section "

Clause 34.

Omit Explanation II. This is not necessary in view of the omission of clause 28 (3).

Clause 38.

Sub-clause (2) line 1: For the words " If on the consideration of the proposal " substitute the following:-

" The Court may direct a meeting of the creditors and the receiver if any, to be held in such manner as may be prescribed for the consideration of the proposal and if on such consideration, "

and in line 3, substitute "proxy" for the word "pleader".

Sub-clause (3), line 2: For the word " Court " substitute the following:-

" receiver if a receiver, has been appointed or of the Court in other cases ".

Sub-clause (4): Lines 1 and 2. For the words "where the Court is of opinion after hearing the report of the receiver, if a receiver has been appointed" substitute the following:-

" The receiver, if a receiver has been appointed, or the debtor in other cases, shall submit a report of the proceedings of the meeting and if the proposal has been accepted by the creditors the debtor or the receiver may apply to the Court to approve it and notice of the time appointed for hearing the application shall be given to each creditor and where the Court is of opinion after hearing the report of the receiver if a receiver has been appointed, as to the terms of the proposal ", and add the following as an explanation to sub-clause (4):-

"Explanation: – Any creditor may be heard by the Court in opposition to the proposal notwithstanding that he may, at a meeting of the creditors, have voted for its acceptance."

We consider it better to make express provision for a meeting of the creditors for considering compositions. Hence the above amendments

Add the following as sub-clause (8);-

" No composition or scheme shall in any case be approved by the Court, unless it has been accepted by all the creditors or could be deemed to have been duly accepted by the creditors under the provisions of sub-section (2). "

Clause 44.

In Clause 44, after sub-clause (4), add the following as an Explanation:-

" Explanation. Nothing in sub-section (4) shall be deemed to prohibit the Court from rescinding the order on the ground that it was obtained by fraud or collusion."

We are of opinion that it should be made clear that though the order of discharge may, so long as it stands, be conclusive evidence, it may be set aside on the ground of fraud or collusion.

Clause 53.

For Clause 53, substitute the following:-

" Any transfer of property not being—

(i) a transfer made before or at, and in consideration of, marriage, or

(ii) a transfer made to, or for, the wife or children of the transferor of property that has accrued to the transferor in consideration of the marriage or in right of his wife or,

(iii) a transfer made in favour of a purchaser or or incumbrancer in good faith and for valuable consideration,

shall if the transferor is adjudged insolvent within two years after the date of the transfer, be voidable against the receiver and may be annulled by the Court."

The substantial change that we propose is the introduction of clause (ii) of the section that we now propose. A clause to this effect does not find a place in the British Indian Acts, the Provincial Insolvency Act or the Presidency Towns Insolvency Act. But it was introduced in our existing Regulation on the lines of the English Bankruptcy Act. We think that the provision is a desirable one and may be retained. The section that we propose is, for all practical purposes, the existing Section 35.

Clause 54.

In line 4, after the word " creditor" where it occurs for the first time, insert the words "or of any person in trust for any creditor."

The reason for the change proposed is obvious.

Clause 56.

Line 1: Omit the word "the" occurring before the word "respect".

Clause 60.

In line 1, after the word "Regulation" insert the words " and such other provisions as may be prescribed".

We consider that the receiver's acts should be regulated by such detailed rules as may be prescribed by the High Court, particularly with respect to dealings with immoveable property. Hence the above amendment.

Clause 61.

After sub-clause (3) of Clause 61, insert the following as sub-clauses (4) and (5), renumbering the present sub-clause (4) as sub-clause (6).

" (4) If, on his examination, any such person admits that he is liable to pay the insolvent any sum of money, the Court may, on the

application of the receiver, order him to pay such receiver at such time and in such manner as to the Court seems expedient, such sum, or any part thereof, either in full discharge of the whole amount, or not, as the Court thinks fit.

(5) Orders made under sub-section (4) shall be executed in the same manner as decrees for the payment of money under the Code of Civil Procedure, 1100."

We consider it desirable that there should be some expeditions method of recovering moneys admitted to be due to the insolvent. Hence the above provisions, which are drawn up on the lines of the corresponding provisions in the Presidency Towns Insolvency Act. The Travancore Laws Delays Commissioner has also recommended a similar provision being made.

Clause 63.

In sub-clause (2), add at the end the following words:—

"in the manner prescribed."

After sub-clause (2) add the following sub-clauses:-

"(3) The first dividend (if any) shall be declared and be distributed within one year after the adjudication, unless the receiver satisfies the Court that there is sufficient reason for postponing the declaration to a ater date.

(4) Subsequent dividends shall, in the absence of sufficient reason o the contrary, be declared and be payable at intervals of not more han six months.

(5) Before declaring a dividend, the receiver shall cause notice of is intention to do so to be published in the prescribed manner, and hall also send reasonable notice thereof to each creditor mentioned ir he insolvent's schedule who has not proved his debt.

(6) When the receiver has declared a dividend, he shall send to each reditor who has proved a notice showing the amount of the dividend nd when and how it is payable, and if any creditor so requires, a statement in the prescribed form as to the particulars of the estate, shall also e sent to him."

The above sub-clauses are proposed in order to ensure expeditious eclaration of dividends.

Clause 67.

In line 1, after the word "may" insert the following words:-

"after giving such notice as may be prescribed, to the receiver and e creditors and hearing such of them as may appear in that behalf."

Clause 71.

Last line but one: Substitute the words "on" for the word "or"

Clause 75.

Sub-clause (1) (*a*): Substitute the words "judicial officer" for the rd "Magistrate."

Sub-clause (1) (*b*): Substitute the word "appointment" for the rd "appointed."

Clause 80.

Sub-clause (2), line (4): Omit the brakets enclosing the figure '28'.

New Clause 84.

After Clause 83 aewing clause:—

"84. The provisions of this Regulation shall apply as far as may be in all cases of insolvency pending in the Courts on the date of the commencement of this Regulation."

We think that the Bill has not been so altered as to require republication.

A. Venkatarama Aiyar *Chairman.*
Kayalam Paramesvaran Pillai.
A. S. Damodaran Asan.
A. Thanu Pillai.
K. C. Karunakaran.
R. Nilakanta Pillai.
K. P. Abraham.

SUPPLEMENT D.

THE INSOLVENCY BILL.

[*As revised by the Select Committee.*]

CONTENTS.

Preamble.

Clauses.

1. Short title, extent and commencement.
2. Definitions.

PART I.

Constitution and Powers of Court.

3. Insolvency jurisdiction.
4. Power of Court to decide all questions arising in insolvency.
5. General powers of Courts.

PART II.

Proceedings from Acts of Insolvency to Discharge.
Acts of Insolvency.

6. Acts of insolvency.

Petition.

7. Petition and adjudication.
8. Exemption of corporation, etc., from insolvency proceedings.
9. Conditions on which creditor may petition.
10. Conditions on which debtor may petition.
11. Courts to which petitions shall be presented.
12. Verification of petition.
13. Contents of petition.
14. Withdrawal of petitions.
15. Consolidation of petition.
16. Power to change carriage of proceedings.
17. Continuance of proceedings on death of debtor.
18 Procedure for admission of petition.
19. Procedure on admission of petition.
20. Appointment of interim receiver.
21. Interim proceedings against debtor.
22. Duties of debtor.
23. Release of debtor.
24. Procedure at hearing.
25. Dismissal of petition.
26. Award of compensation.

Order of adjudication.

27. Order of adjudication.
28. Effect of an order of adjudication.
29. Stay of pending proceedings.
30. Publication of order of adjudication.

Proceedings consequent on order of adjudication.

31. Protection order.
32. Power to arrest after adjudication.
33. Schedule of creditors.
34. Debts provable under the Regulation.

Annulment of adjudication.

35. Power to annual adjudication of insolvency.
36. Power to cancel one of concurrent orders of adjudication.
37. Proceedings on annulment.

Compositions and schemes of arrangement.

38. Compositions and schemos of arrangement.
39. Order on approval.
40. Power to re-adjudge debtor insolvent.

Discharge.

41. Discharge.
42. Cases in which Court must refuse an absolute discharge.
43. Adjudication to be annulled on failure to apply for discharge.
44. Effect of order of discharge.

PART III.

Administration of property. Method of proof of debts.

45. Debt payable at a future time.
46. Mutual dealings and set off.
47. Secured creditor.
48. Interest.
49. Mode of proof.
50. Disallowance and reduction of entries in schedule.

Effect of Insolvency on antecedent transactions.

51. Restriction of rights of creditor under execution.
52. Duties of Court executing decree as to property taken in execution.
53. Avoidance of voluntary transfer.
54. Avoidance of preference in certain cases.
55. By whom petitions for annulment may be made.
56. Protection of bonafide transactions.
57. Appointment of receiver.
58. Power to appoint Official Receivers.
59. Powers of Court if no receiver appointed.
60. Duties and powers of receiver.
61. Power to require information regarding insolvent's property.

Distribution of property.

62. Priority of debts.
63. Calculation of dividends.
64. Right of creditor who has not proved debet before declaration of a dividend.

65. Final dividend.
66. No suit for dividend.
67. Management by and allowance to insolvent.
68. Right of insolvent to surplus.
69. Committee of inspection.

Appeal to Court against receiver.

70. Appeal to Court against receiver.

PART IV.

Penalties.

71. Offences by debtors.
72. Procedure on charge under Section 71.
73. Criminal liability after discharge or composition.
74. Undischarged insolvent obtaining credit.
75. Disqualifications of insolvent.

PART V.

Summary administration.

76. Summary administration.

PART VI.

Appeals.

77. Appeals.

PART VII.

Miscellaneous.

78. Costs.
79. Court to be auxiliary to each other.
80. Limitation.
81. Power to make rules.
82. Delegation of powers to Official Receivers.
83. Repeal.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO INSOLVENCY IN TRAVANCORE.

[*As revised by the Select Committee.*]

[Portions in italics indicate the amendments suggested by the Committee.]

Preamble.

Whereas it is expedient to consolidate and amend the law relating to insolvency in Travancore; It is hereby enacted as follows:—

Short title extent and commencement.

1. (1) This regulation may be called the Travancore Insolvency Regulation, 110 .

(2) It extends to the whole of Travancore.

(3) It shall come into force on...... ....110............

Definitions.

2. (1) In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "creditor" includes a decree-holder, "debt" includes a judgment debt, and "debtor" includes a judgment debtor;

(*b*) "District Court" means the principal Civil Court of original jurisdiction in any area;

(*c*) "prescribed" means prescribed by rules made under this Regulation;

(*d*) "property" includes any property over which or the profits of which any person has disposing power which he may exercise for his own benefit;

(*e*) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor; and

(*f*) "transfer of property" includes a transfer of any interest in property and the creation of any charge upon property.

(2) Words and expressions used in this Regulation and defined in the Code of Civil Procedure, 1100, not hereinbefore defined, shall have he same meanings as those respectively attributed to them by the said Code.

PART I.

Constitution and Powers of Court.

Insolvency jurisdiction.

3. The District Courts shall be the *Courts* having jurisdiction under this Regulation.

4. (1) Subject to the provisions of this Regulation, the Court shall have full power to decide all questions whether of title or priority or of any nature whatsoever and whether involving matters of law or of fact, which may arise in any case of insolvency coming within the cognisance of the Court, or which the Court may deem it expedient *or necessary* to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

Power of Court to decide all questions arising in insolvency.

Provided that, unless all the parties agree, the power hereby given shall not be exercised for the purpose of adjudicating upon any claim not arising out of the insolvency.

(2) Subject to the provisions of this Regulation and notwithstanding anything contained in any other law for the time being in force, every such decision shall be final and binding for all purposes as between, on the one hand, the debtor and the debtor's estate and, on the other hand all claimants against him or it and all persons claiming through or under them or any of them.

(3) Where the Court does not deem it expedient or necessary to decide any question of the nature referred to in sub-section (1), but has reason to believe that the debtor has a saleable interest in any property the Court may without further inquiry sell such interest in such manner and subject to such conditions as it may think fit.

General powers of Courts.

5. (1) Subject to the provisions of this Regulation, the Court, in regard to proceedings under this Regulation, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

(2) *Subject as aforesaid, the High Court shall have, in regard to proceedings under this Regulation in District Courts, the same powers and shall follow the same procedure, as it has and follows in regard to civil suits.*

PART II.

PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.

Acts of Insolvency.

Acts of insolvency.

6. A debtor commits an act of insolvency in each of the following cases, namely :—

(*a*) If, in Travancore or elsewhere, he makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally;

(*b*) if, in Travancore or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors;

(*c*) if, in Travancore or elsewhere, he makes any transfer of his property or of any part thereof, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(*d*) if, with intent to defeat or delay his creditors,

(i) he departs or remains out of Travancore,

(ii) he departs from his dwelling house or usual place of business or otherwise absents himself,

(iii) he secludes himself so as to deprive his creditors of the means of communicating with him ;

(*e*) if any of his property has been sold in execution of the decree of any Court for the payment of money ;

(*f*) if he petitions to be adjudged an insolvent under the provision of this Regulation ;

(*g*) if he gives notice to any of his creditors that he has suspended or that he is about to suspend, payment of his debts ; or

(*h*) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section the act of an agent may be the act of the principal.

PETITION.

Petition and adjudication.

7. Subject to the condition specified in this Regulation, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Explanation.—The presentation of *a* petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

Exemption of corporation etc., from insolvency proceedings.

8. No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

Conditions on which creditor may petition.

9. (1) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(*a*) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the agregate amount of debts owing to such creditors, amounts to five hundred rupees, and

(*b*) the debt is a liquidated sum payable either immediately or at some certain future time, and

(*c*) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent, or give an estimate of the value of the security. In the latter case, he may be admitted as a petitioning creditor to the extent of the balance of the bebt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

Conditions on which debtor may petition.

10. (1) A debtor shall not be entitled to present an insolvency petition unless he is unable to pay his debts and

(*a*) his debts amount to five hundred rupees; or

(*b*) he is under arrest or imprisonment in execution of the decree of any Court for the payment of money; or

(*c*) an order of attachment in execution of such a decree has been made and is subsisting against his property.

(2) A debtor in respect of whom an order of adjudication *made* under this Regulation has been annulled owing to his failure to apply, or to prosecute an application for his discharge, shall not be entitled to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that the petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made.

Court to which petition shall be presented.

11. Every insolvency petition shall be presented to the *District* Court having jurisdiction in *any local area in which* the debtor ordinarily resides or carries on business or personally works for gain, or if he has been arrested or imprisoned, where he is in custody:

Provided that no objection as to the place of presentment shall be allowed by the High Court in the exercise of its appellate or revisional jurisdiction unless such objection was taken at the earliest possible opportunity in the Court by which the petition was heard, and unless there has been a consequent failure of justice.

Explanation:—For purposes of this section a debtor, who has not paid the debts he had contracted while engaged in a business, shall be deemed to be still carrying on the business.

Verification of petition.

12. Every insolvency petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and veryfying plaints.

Contents of petition.

13. (1) Every insolvency petition presented by a debtor shall contain the following particulars, namely:—

(a) a statement that the debtor is unable to pay his debts;

(b) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody;

(c) the Court (if any) by whose order he has been arrested o: imprisoned or by which an order has been made for the attachment of his property, together with particulars of the decree in respect of which any such order has been made;

(d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can, by the exercise of reasonable care and diligence, be ascertained by, him;

(e) the amount and particulars of all his property, together with

(i) a specification of value of all such property not consisting of money;

(ii) the place or places at which any such property is to be found; and

(iii) a declaration of his willingness to place at the disposal of the Court all such property save in so far, as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1100, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree;

(f) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent, and (where such a petition has been filed)—

(i) if such petition has been dismissed, the reasons for such dismissal, or,

(ii) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether previous adjudication has been annulled and, if so, the grounds therefor.

(2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (b) of sub-section (1), and shall also specify—

(a) the act of insolvency committed by such debtor, together with the date of its commission; and

(b) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Withdrawal of petitions.

14. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court.

Consolidation of petitions.

15. Where two or more insolvency petitions are presented against the same debtor, or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

16. Where the petitioner doses not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Regulation in the case of a petitioning creditor.

Power to change carriage of proceedings.

17. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued so far as may be necessary for the realisation and distribution of the property of the debtor.

Continuance of proceedings on death of debtor.

18. The Procedure laid down in the Code of Civil Procedure, 1100, with respect to the admission of plaints; shall so far as it is applicable, be followed in the case of the insolvency petitions.

Procedure for admission of petition.

19. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

Procedure on admission of petition.

(2) Notice of the order under sub-section (1) shall be given to creditors in such manner as may be prescribed.

(3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

20. The Court when making *an* order admitting the petition may, and where the debtor is the petitioner ordinarily shall, appoint an interim receiver of the property of the debtor or of any part thereof, and may direct him to take immediate possession thereof or of any part thereof, and the interim receiver shall thereupon have such of the powers conferable on a receiver appointed under the Code of Civil Procedure, 1100, as the Court may direct. If an interim receiver is not so appointed the Court may make such appointment at any subsequent time before adjudication, and the provisions of this sub-section shall apply accordingly.

Appointment of interim receiver.

21. At the time of making an order admitting the petition or at any subsequent time before adjudication the Court may, either of its own motion or on the application of any creditor, make one or more of the following orders, namely :—

Interim proceedings against debtor.

(1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition and direct that, in default of giving such security, he shall be detained in the civil prison

(2) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1100, or by any other enactment for the time being in force, from liability to attachment and sale in execution of a decree;

3) order a warrant to issue with or without bail for the arrest of the debtor, and direct either that he be detained in the civil prison until the disposal of the petition or that he be released on such terms as to security as may be reasonable and necessary :

Provided that an order under clause (2) or clause (3) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(i) has absconded or has departed from the local limits of the jurisdiction of the Court, or is about to abscond or to depart from such limits, or is remaining outside them, or

(ii) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Duties of debtor.

22. The debtor shall, on the making of an order admitting the petition, produce all books of account, and shall at any time thereafter give such inventories of his property; and such lists of his creditors and debtors and of the bebts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments and generally do all such acts and things in relation to his property as may be required by the Court or receiver or as may be prescribed.

Release of debtor.

23. (1) At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may, if the debtor is under arrest or imprisonment *or is likely to be arrested or imprisoned* in execution of the decree of any Court for the payment of money, order his release *or the stay of the arrest or imprisonment, as the case may be*, on such terms as to security as may be reasonable and necessary.

(2) The Court may at any time order any person who has been so released to be re-arrested and re-committed to the custody from which he was realeased or revoke any order of stay so made.

(3) At the time of making any order under this Section, the Court shall record in writing its reasons therefor.

(4) The wilful default by a debtor to perform the duties imposed on him under Section 22 after being called upon to do the same by the Court may be considered in making any order under this Section.

Procedure at hearing.

24. On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof of the following matters, namely : —

(a) that the creditor or the debtor, as the case may be, is entitled to present the petition ;

Provided that, where the debtor is the petitioner, he shall, for the purpose of proving his inability to pay his debts, be required to furnish only such proof as to satisfy the Court that there are *prima facie* grounds for believing the same and the Court, if and when so satisfied, shall not be bound to hear any further evidence thereon ;

(*b*) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order admitting the petition ; and

(*c*) that the debtor has committed the act of insolvency alleged against him.

(2) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.

(3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

Dismissal of petition.

25. (1) in the case of a petition presented by a creditor, where the Court is not satisfied with the proof of his right to present the petition or of the service on the debtor of notice of the order admitting the petition, or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts, or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.

Explanation.—In the case of a petition presented against two or more debtors, the Court may dismiss the petition as to one or more of them without prejudice to the effect of the petition as against the other or others of them.

(2) In the case of a petition presented by a debtor, the Court shall dismiss the petition if it is not satisfied of his right to present the petition.

Award of compensation.

26. (1) Where a petition presented by a creditor is dismissed under sub-section (1) of Section 25, and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine.

(2) An award under this Section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

Order of adjudication.

Order of adjudication.

27. (1) If the Court does not dismiss the petition it shall make an order of adjudication and shall specify in such order the period within which the debtor shall apply for his discharge.

(2) The Court may, if sufficient cause is shown, extend the period within which the debtor shall apply for his discharge, and in that case shall publish notice of the order in such manner as it thinks fit.

Effect of an order of adjudication.

28. (1) On the making of an order of adjudication, the insolvent shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors.

(2) On the making of an order of adjudication, the whole of the property of the insolvent shall vest in the Court or in a receiver as hereinafter provided and shall become divisible among the creditors and thereafter, except as provided by this Regulation, no creditor to whom the insolvent is indebted in respect of any debt provable under this Regulation, shall, during the pendency of the insolvency proceedings, have any remedy against the property of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court on such terms as the Court may impose:

Provided that nothing in this sub-section shall affect the power of any secured creditor to realise or otherwise deal with his security; in the same manner as he would have been entitled to realise or deal with it if this sub-section had not been enacted.

(3) All property which is acquired by or devolves on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver, and the provisions of sub-section (2) shall apply in respect thereof.

(4) The property of the insolvent for the purposes of this Section shall not include any property (not being books of account) which is exempted by the Code of Civil Procedure, 1100, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

(5) An order of adjudication shall relate back to and take effect from the date of the presentation of the petition on which it is made.

Stay of pending proceedings.

29. Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made against him under this Regulation, either stay the proceeding, or allow it to continue on such terms as such Court may impose.

Publication of order of adjudication.

30. Notice of an order of adjudication, stating the name, address and description of the insolvent, the date of the adjudication, the period within which the debtor shall apply for his discharge and the Court by which the adjudication is made shall be published in Our Government Gazette and in such other manner as may be prescribed.

Proceedings consequent on order of adjudication.

Protection order.

31. (1) Any insolvent in respect of whom an order of adjudication has been made may apply to the Court for protection, and the Court *shall* on such application make an order for the protection of the insolvent from arrest or detention:

Provided that the Court may, for reasons to be recorded in writing, either make an order refusing protection or make the order for protection subject to such terms and conditions as the Court thinks proper;

Provided further that the Court may, at any time, for reasons to be recorded in writing, revoke or modify any order under this sub-section.

Explanation.—The refusal of protection or an order for protection on terms and conditions may apply either in respect of all the debts of the debtor or to any of them as the Court thinks proper.

(2) A protection order shall protect the insolvent from being arrested or detained in prison for any debt to which such order applies, and any insolvent arrested or detained contrary to the terms of such an order shall be entitled to his release:

Provided that no such order shall operate to prejudice the rights of any creditor in the event of such order being revoked or the adjudication annulled.

(3) Any creditor shall be entitled to appear and oppose the grant of a protection order *or to apply for the revocation of any order under this Section.*

Power to arrest after adjudication.

32. At any time after an order of adjudication has been made, the Court may, if it has reason to believe, on the application of any creditor or the receiver, that the debtor has absconded or departed from the local limits of its jurisdiction with intent to avoid any obligation which has been or might be imposed on him by or under this Regulation, order a warrant to issue for his arrest, and on his appearing or being brought before it, may, if satisfied that he was absconding or had departed with such intent, order his release on such terms as to security as may be reasonable or necessary, or if such security is not furnished, direct that he shall be detained in the Civil prison for a period which may extend to three months.

Schedule of creditors.

33. (1) When on order of adjudication has been made under this Regulation, all persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Regulation shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts and the amount of debts, respectively, and shall frame a schedule of such persons and debts:

Provided that, if, in the opinion of the Court, the value of any debt is incapable of being fairly estimated, the Court may make an

order to that effect, and thereupon the debts shall not be included in the schedule,

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Regulation and not entered in the schedule, and the Court, after causing notice to be served on the receiver and the other creditors who have proved their debts, and hearing their objections (if any), shall comply with or reject the application.

Debts provable under the Regulation.

34. (1) Debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated and demands in the nature of unliquidated damages arising otherwise than by reason of a contract or a breach of trust shall not be provable under this Regulation:

(2) Save as provided by sub-section (1), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent, or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debt provable under this Regulation.

Provided that a person having notice of the presentation of any insolvency petition by or against the debtor shall not prove for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

Explanation.—For the purposes of this Section "liability" includes any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring, before the discharge of the debtor, and generally it includes any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money or money's worth, whether the payment is, as respects amount, fixed, or unliquidated, as respects time, present or future, certain or dependent on any contingency or contingencies; as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

Annulment of adjudication,

Power to annul adjudication of insolvency.

35. (1) Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, the Court shall, on the application of the debtor or of any other person interested, by order in writing, annul the adjudication,

And the Court may, of its own motion or on application made by the receiver or any creditor, annul any adjudication made on the petition of a debtor who was, by reason of the provisions of sub-section (2) of Section 10, not entitled to present such petition.

(2) For the purposes of this Section, any debt disputed by a debtor shall be considered as paid in full, if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

Power to cancel one of concurrent orders of adjudication.

36. If in any case in which an order of adjudication has been made, it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor, and that the property of the debtor can be conveniently distributed by such other Court, the Court may annul the adjudication or stay all proceedings thereon.

Proceedings on annulment.

37. (1) Where an adjudication is annulled, all sales and disposition of property, and payments duly made and all acts therefore done, by the Court or receiver shall be valid but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may, appoint or in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

(2) Notice of every order annulling an adjudication shall be published in our Government Gazette and in such manner as may be prescribed.

Compositions and schemes of arrangement.

38. (1) Where a debtor, after the making of an order of adjudication submits a proposal for a composition in satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal, and shall issue a notice to all creditors in such manner as may be prescribed.

(2) *The Court may direct a meeting of the creditors and the receiver if any, to be held in such manner as may be prescribed for the consideration of the proposal and if on such consideration*, a majority in number and three fourths in value of all the creditors whose debts are proved and who are persent in person or by *proxy*, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the *receiver, if a receiver has been appointed, or of the Court in other cases*, calculated to benefit the general body of creditors.

(4) *The receiver, if a receiver has been appointed, or the debtor in other cases shall submit a report of the proceedings of the meeting, and if the proposal has been accepted by the creditors, the debtor or the receiver, may apply to the Court to approve it and notice of the time appointed for hearing the application shall be given to each creditor and where the Court is of opinion after hearing the report of the receiver, if a receiver has been appointed, as to the terms of the proposal,* and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

Explanation.—Any creditor may be heard by the Court in opposition to the proposal notwithstanding that he may at a meeting of the creditors have voted for its acceptance.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than ten Chuckrams in the rupee on all the unsecured debts provable against the debtor's estate.

(6) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

(7) In any other case the Court may either approve or refuse to approve the proposal.

(8) *No composition or scheme shall in any case be approved by the Court unless it has been accepted by all the creditors or could be deemed to have been duly accepted by the creditors under the provisions of sub-section (2).*

Order on approval.

39. If the Court approves the proposal the terms shall be embodied in an order of the Court, and the Court shall frame a schedule in accordance with the provisions of Section 33, the order of adjudication shall be annulled, and the provisions of Section 37 shall apply and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

Power to readjudge debtor insolvent.

40. If default is made in the payment of any instalment due in pursance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, re-adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is re-adjudged insolvent under this Section, all debts provable in other respects which have been contracted before the date of such re-adjudication shall be provable in the insolvency

Discharge.

41. (1) A debtor may, at any time after the order of adjudication and shall within the period specified by the Court, apply to the Court for an order of discharge. and the Court shall fix a day, notice whereof shall be given in such manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

Discharge.

(2) Subject to the provisions of this Section, the Court may after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver—

(*a*) grant or refuse an absolute order of discharge ; or

(*b*) suspend the operation of the order for a specified time ; or

(*c*) grant an order of discharge subject to any conditions with respect to any earnings or income which afterwards become due to the insolvent, or with respect to his after-acquired property.

42. (1) The Court shall refuse to grant an absolute order of discharge under Section 41 on proof of any of the following facts, namely :—

Cases in which Court must refuse an absolute discharge.

(*a*) that the insolvent's assets are not of a value equal to fourteen Chuckrams in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to fourteen Chuckrams in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(*b*) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

(*c*) that the insolvent has continued to trade after knowing himself to be insolvent;

(*d*) that the insolvent has contracted any debt provable under this Regulation without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(*e*) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(*f*) that the insolvent has brought on, or contributed to, hi insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;

(*g*) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they became due, given an undue preference to any of his creditors;

(*h*) that the insolvent has on any previons occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(*i*) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(2) For the purposes of this Section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein.

(3) The powers of suspending, and of attaching, conditions to, an insolvent's discharge may be exercised concurrently.

Adjudication to be annulled on failure to apply for discharge.

43. (1) If the debtor does not appear on the day fixed for hearing his application for discharge or on such subsequent day as the Court may direct, or if the debtor does not apply for an order of discharge within the period specified by the Court, the order of adjudication shall be annulled, and provisions of Section 37 shall apply accordingly.

(2) Where a debtor has been released from custody under the provisions of this Regulation and the order of adjudication is annulled under sub-section (1), the Court may, if it thinks fit, re-commit the debter to his former custody, and the officer in charge of the prison to whose custody such debtor is re-committed shall receive such debtor into his custody according to such re-commitment, and thereupon all processes which were in force against the person of such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if no order of adjudication had been made.

Effect of order of discharge.

44. (1) An order of discharge shall not release the insolvent from —

(*a*) any debt due to Our Government;

(*b*) any debt or liability incurred by means of any fraud or fradulent breach of trust to which he was a party;

(*c*) any debt or liability in respect of which he has obtained for bearance by any fraud to which he was a party; or

(*d*) any liability under an order for maintenance made under Section 366 of the Code of Criminal Procedure.

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts provable under this Regulation.

(3) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

(4) An order of discharge shall be conclusive evidence of the insolvency and of the validity of the proceedings therein.

EXPLANATION.—*Nothing in sub-section (4) shall be deemed to prohibit the Court from rescinding the order on the ground that it was obtained by fraud or collusion.*

PART III.

ADMINISTRATION OF PROPERTY.

Method of proof of debts.

Debt payable at a future time.

45. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Mutual dealings and set off.

46. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Regulation, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party, shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively;

Provided that a person shall not be entitled under the Section to claim the benefits of any set off against the property of an insolvent any case where such person had at the time of giving credit to the insolvent notice of the presentation of any insolvency petition by or against him.

Secured creditor.

47. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinqish his security he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after dedecting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this Section, he shall be excluded from all share in any dividend.

48. (1) On any debt or sum certain whereon interest is not reserved or agreed for and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Regulation, the creditor may prove for interest at a rate not exceeding six per centum per annum.

Interest.

(*a*) If the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication ; or

(*b*) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand untill the time of payment to the date of such adjudication

(2) Where a debt which has been proved under this Regulation includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

49. (1) A debt may be proved under this Regulation by delivering, or sending by post in a registered letter to the Court an affidavit verifying the debt.

Mode of proof.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

50. (1) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt.

Disallowance and reduction of entries in schedule.

(2) The Court may also, after like enquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter or, in the case of a composition or scheme, upon the application of the debtor.

EFFECT OF INSOLVENCY ON ANTECEDENT TRANSACTIONS.

51. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the admission of the petition.

Restriction of rights of creditors under execution.

(2) Nothing in this Section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court executing decree as to property taken in execution.

52. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an insolvency petition by or against the debtor has been admitted the Court shall, on application, direct the property, if in the possession of the Court to be delivered to the receiver, but the costs of the suit in which the decree was made and of the execution shall be a first charge on the property so delivered and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Avoidance of voluntary transfer.

53. *Any transfer of property not being:—*

(*i*) *a transfer made before, or at, and in consideration of, marriage, or*

(*ii*) *a transfer made to, or for, the wife or children of the transferer of property that has accrued to the transferer in consideration of the marriage or in right of his wife, or*

(*iii*) *a transfer made in favour of a purchaser or incumbrancer in good faith and for valuable consideration,*

shall, if the transferer is adjudged insolvent within two years after the date of the transfer, be voidable against the receiver, and may be annulled by the Court.

Avoidance of preference in certain cases.

54. (1) Every transfer of property, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor *or of any person in trust for any creditor* with a view of giving that creditor or any surety or guarantor for the debt due to such creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

(2) This Section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent.

By whom petitions for annulment may be made.

55. A petition for the annulment of any transfer under Section 53, or of any transfer, payment, obligation or judicial proceeding under Section 54, may be made by the receiver or, with the leave of the Court, by any creditor who has proved his debt and who statisfies the Court that the receiver has been requested and has refused to make such petition.

56. Subject to the foregoing provisions of this Regulation with respect to the effect of insolvency on an execution, and with respect to the avoidance of certain transfers and preferences, nothing in this Regulation shall invalidate in the case of an insolvency.

Protection of bona-fide transactions.

(a) any payment by the insolvent to any of his creditors;
(b) any payment or delivery to the insolvent;
(c) any transfer by the insolvent for valuable consideration; or
(d) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication, and that the person with whom such transaction takes place has not at the time notice of the presentation of any insolvency petition by or against the debtor.

Realisation of property.

57. (1) The court may, at the time of the order of adjudication, or at any time afterwards appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver.

Appointment of receiver.

(2) Subject to such conditions as may be prescribed, the court may—

(a) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(b) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is from the possession or custody thereof:

Provided that nothing in this Section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(4) Where a receiver appointed under this section,

(a) fails to submit his accounts at such periods and in such form as the court directs, or

(b) fails to pay the balance due from him thereon as the Court directs, or

(c) occasions loss to the property by his wilful default or gross negligence, the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

(5) The provisions of this Section shall apply, so far as may be, to interim receivers appointed under Section 20.

Power to appoint Official Receivers.

58. (1) Our Government may appoint such persons as they think fit (to be called "Official Receivers") to be receivers under this Reglation within such limits as they may prescribe.

(2) Where any official receiver has been so appointed for the local limits of the jurisdiction of any court having jurisdiction under the Regulation, he shall be the receiver for the purpose of every order appointing a receiver or an interim receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(3) Any sum payable under clause (*b*) of sub-section (2) of Section 57 in respect of the services of an Official Receiver shall be credited to such fund as Our Government may direct.

(4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as Our Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Powers of court if no receiver appointed.

59. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Regulation.

Duties and powers of receiver.

60. Subject to the provisions of this Regulation, *and such other* provisions as may be prescribed the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(*a*) sell all or any part of the property of the insolvent,

(*b*) give receipts for any money received by him; and may, by leave of the Court, do all or any of the following things, namely :—

(*c*) carry on business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(*d*) institute defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(*e*) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(*f*) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit;

(*g*) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(*h*) refer any dispute to arbitration; and compromise all debts, claims and liabilities, on such terms as may be agreed upon; and

(*i*) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Power to require information regarding insolvent's property.

61. (1) The Court may, on the application of the receiver or of any creditor who has proved his debt, at any time after an order of adjudication has been made, summon before it in the prescribed manner any person known or suspected to have in his possession any property belonging to the insolvent, or supposed to be indebted to the insolvent, or any person whom the Court may deem capable of giving information respecting the insolvent or his dealings

or property, and the Court may require any such person to produce any document in his custody or power relating to the insolvent or to his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant cause him to be apprehended and brought up for examination:

Provided that no such warrant shall in any case be issued where the person summoned could not have been compelled to appear if such person were summoned as a witness by the court.

(3) The Court may examine any person so brought before it concerning the insolvent, his dealings or property, and such person may be represented by a legal practitioner.

(4) If, on his examination, any such person admits that he is liable to pay the insolvent any sum of money the Court may, on the application of the receiver, order him to pay such receiver at such time and in such manner as to the Court seems expedient, such sum, or any part thereof, either in full discharge of the whole amount, or not as the Court thinks fit.

(5) Orders made under sub-section (4) shall be executed in the same manner as decrees for the payment of money under the Code of Civil Procedure, 1100.

(6) The Court shall have the same powers to issuse commissions for the examination of any person liable to examination under this section as it has for the examination of witnesses under the Code of Civil Procedure, 1100.

Distribution of Property.

62. (1) In the distribution of the property of the insolvent, there shall be paid in priority to all other debts—

Priority of debts.

(a) all debts due to Our Government or to any local authority; and

(b) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.

(2) The bebts specified in sub-section (1), shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(4) In the case of partners, the partnership property shall be applicable in the first instance in payment of the partnership debts and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partner ship property.

(5) Subject to the provisions of this Regulation, all debts entered in the schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Calculation of dividends.

63. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet:

(*a*) debts provable under this Regulation and appearing from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to render their proofs;

(*b*) debts provable under this Section, the subject of claims not yet determined;

(*c*) disputed proofs or claims; and

(*d*) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to provisions of sub-section (1), all money in hand shall be distributed as dividends in the manner prescribed.

(3) The first dividend (if any) shall be declared and be distributed within one year after the adjudication, unless the receiver satisfies the Court that there is sufficient reason for postponing the declaration to a later date.

(4) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(5) Before declaring a dividend, the receiver shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the insolvent's schedule who has not proved his debt.

(6) When the receiver has declared a dividend, he shall send to each creditor who has proved a notice showing the amount of the dividend, and when and how it is payable, and, if any creditor, so requires, a statement in the prescribed form as to the particulars of the estate shall also be sent to him.

64. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any futre dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Right of creditor who has not proved debt before declaration of a dividend.

65. When the receiver has realised all the property of the insolvent or so much there of as can, in the opinion of the Court, be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited or if the court, on application by any such claimant, grants him further time for establishing his claim, then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

Final dividend.

66. No suit for a dividend shall lie against the receiver; but where the receiver refuses to pay any dividend, the Court may on the application of any creditor who is entered in the schedule, order him to pay it and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

No suit for dividend.

67. (1) The Court may *after giving such notice as may be prescribed to the receiver and the creditors and hearing such of them as may appear in that behalf* appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct.

Management by and allowance to insolvent.

(2) The court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determind by the Court.

68. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors with interest as provided by this Regulation and of the expenses of the proceedings taken thereunder.

Right of insolvent to surplus.

69. (1) The court may, if it thinks fit, authorise the creditors who have proved their debts to appoint a committee of inspection for the purpose of superintending the administration of the insolvent's property by the receiver.

Committee of Inspection.

(2) The persons appointed to a committee of inspection shall be creditors who have proved their debts or persons holding general powers-of-attorney from such creditors.

(3) The committee of inspection shall have such powers of control over the proceedings of the receiver as may be prescribed.

Appeal to Court against receiver.

70. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just:

Appeal to Court against receiver.

Provided that no application under this section shall be entertained after the expiration of thirty days from the date of the act or decision complained of.

PART IV.

PENALTIES.

71. If a debtor, whether before or after the making of an order of adjudication,—

Offences by debtors.

(*a*) wilfully fails to perform the duties imposed on him by Section 22 or to deliver up possession of any part of his property which is divisible among his creditors under this Regulation, and which is for the time being in his possession or under his control to the Court or to any person authorised by the Court to take possession of it, or

(*b*) fraudulently with intent to conceal the state of his affairs or to defeat the objects of this Regulation,

(i) has destroyed or otherwise wilfully prevented or purposely withheld the production of any document relating to such of his affairs as are subject to investigation under this Regulation, or

(ii) has kept or caused to be kept false books, or

(iii) has made false entries in or withheld entries from or wilfully altered or falsified any document relating to such of his affairs as are subject to investigation under this Regulation, or

(*c*) fraudulently with intent to diminish the sum to be divided among his creditors or to give an undue preference to any of his creditors,

(i) has discharged or concealed any debt due to or from him, or

(ii) has made away with, charged, mortgaged or concealed any part of his property of any kind whatsoever, he shall be punishable on conviction with imprisonment which may extend to one year.

72. Where the Court is satisfied, after such preliminary inquiry, if any, as it thinks necessary, that there is ground for inquiring into an offence referred to in Section 71 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure.

Procedure on charge under Section 71.

73. Where an insolvent has been guilty of any of the offences specified in Section 71, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

74. (1) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

Undischarged insolvent obtaining credit.

(2) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (1), the Court, after making any preliminary inquiry that may be necessary, may send the case for trial to the nearest, Magistrate of the first class, and may send the accused in custody or take sufficient security for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial.

75. (1) Where a debtor is adjudged or re-adjudged insolvent under this Regulation, he shall, subject to the provisions of this Section, be disqualified from :

Disqualifications of insolvent.

(a) being appointed or acting as a *Judicial Officer*;

(b) being elected to any office of any local authority where the *appointment* to such office is by election or holding or exercising any such office to which no salary is attached; and

(c) being elected or sitting or voting as member of any local authority.

(2) The disqualifications which an insolvent is subject to under this Section shall be removed, and shall cease if :—

(a) the order of adjudication is annulled under Section 35, or

(b) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(3) The Court may grant or refuse such certificate as it thinks fit, but any order or refusal shall be subject to appeal.

PART V.

Summary Administration.

76. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Regulation shall be subject to the following modifications, namely :—

Summary administration.

(i) unless the Court otherwise directs, no notice required under this Regulation shall be published in Our Government Gazette;

(ii) on the admission of a petition by debtor, the property of the debtor shall vest in the court as a receiver;

(iii) at the hearing of the petition, the Court shall inquire into the debts and assets of the debtor and determine the same by order in writing and it shall not be necessary to frame a schedule under the provisions of Section 33;

(iv) the property of the debtor shall be realised with all reasonable despatch and thereafter, when practicable, distributed in a single division;

(v) the debtor shall apply for his discharge within six months from the date of adjudication; and

(vi) such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that the Court may at any time direct that the ordinary procedure provided for in this Regulation shall be followed in regard to the debtor's estate, and thereafter the Regulation shall have effect accordingly.

PART VI.

APPEALS.

Appeals.

77. (1) The debtor, any creditor, the receiver or any other person aggrieved by a decision come to or an order made by the Court under the provisions of this Regulation may appeal to the High Court and the decision or order shall for the purposes of the appeal be deemed to be a decree of the Court passed in the exercise of its original civil jurisdiction.

(2) The period of limitation for an appeal under this section shall be sixty days.

PART VII.

MISCELLANEOUS.

Costs.

78. The costs of any proceeding under this Regulation, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Regulation, be in the discretion of the Court in which the proceeding is had.

Courts to be auxiliary to each other.

79. All Courts having jurisdiction in insolvency and the officers of such Courts, respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Limitation.

80. (1) The provisions of Sections 5 and 12 of the Travancore Limitation Regulation, shall apply to appeals and applications under this Regulation.

Explanation. For the purposes of the said Section 12, a decision under Section 4 of the Regulation shall be deemed to be a decree.

(2) Where an order of adjudication has been annulled under this Regulation, in computing the period of limitation prescribed for any suit or application for the execution of a decree other than a suit or application in respect of which the leave of the Court was obtained under sub-section (2) of Section 28 which might have been brought or made but for the making of an order of adjudication under this Regulation, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded:

Provided that nothing in this Section shall apply to a suit or application in respect of a debt provable but not proved under this Regulation.

Power to make rules.

81. (1) The High Court may, with the previous sanction of Our Government, make rules for carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide—

(*a*) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the costs of such audit,

(*b*) for meetings of creditors,

(*c*) for the procedure to be followed where the debtor is a firm,

(*d*) for the procedure to be followed in the case of estates to be administered in a summary manner, and

(*e*) for any matter which is to be or may be prescribed.

(3) All rules made under this Section shall be published in Our Government Gazette and shall, on such publication, have effect as if enacted in this Regulation.

Delegation of powers to Official Receivers.

82. (1) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Regulation, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers namely:—

(*a*) to frame schedules and to admit or reject proofs of creditors;

(*b*) to make interim orders in any case of urgency; and

(*c*) to hear and determine any unopposed or exparte application.

Explanation.—The provisions of Section 70 shall apply to any act or decision of the Official Receiver.

Repeals.

83. The Travancore Insolvency Regulation (VIII of 1090) is hereby repealed.

84. *The provisions of this Regulation shall apply, as far as may be in all cases of insolvency pending in the courts on the date of the commencement of this Regulation.*

Supplement E.

R. O. C. No. 992 of 32/Legis.

The following Bill, together with the Statement of objects and Reasons, is published, as ordered by the Dewan, under Rule 29 of the Legislative Council Rules issued under date the 2nd October 1921.

Huzur Cutcherry, Trivandrum, 23rd August 1932. } K. GEORGE, *Chief Secretary to Government.*

THE TRAVANCORE CHITTIES REGULATION OF 1094 (III of 1094) AMENDMENT BILL.

A BILL FURTHER TO AMEND THE TRAVANCORE CHITTIES REGULATION OF 1094.

Whereas it is expedient further to amend the Travancore Chitties Regulation of 1094 (III of 1094, as amended by Regulations VII of 1097 and I of 1101) for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Regulation may be called the Travancore Chitties (Amendment) Regulation, 110 .

(2) It shall come into force at once.

Amendment of Section 3.

2. In Section 3 of the Travancore Chitties Regulation of 1094, III of 1094, as amended by Regulations VII of 1097 and I of 1101 (hereinafter referred to as the said Regulation), after clause (11) the following clause shall be added, namely:—

"(12) 'Amendment Regulation' means the Travancore Chitties (Amendment) Regulation, 110 ".

Addition of new Sections 52 and 53.

3. In the said Regulation, after Section 51, the following Sections shall be added, namely:—

Resolution for altering chitty dates.

"52. (1) Notwithstanding anything contained in the foregoing provisions, the date of any instalment, or the dates of the instalments, in a Chitty, as well as the date on which the chitty is to terminate, may be altered by a resolution passed at a meeting, convened for the purpose, of the general body of the subscribers, by a majority of not less than two-thirds in number of the subscribers present at the meeting. On such resolution being passed, the altered dates shall be deemed to be the provision of the Variola as if originally contained in the Variola and shall be subject in like manner to further alteration by a resolution similarly passed:

Provided that neither the date of any instalment in a chitty nor the date for the termination of a chitty shall, by such resolution, be postponed beyond one year from the date of the passing of the Amendment Regulation or beyond such further period or periods as Our Government may fix from time to time.

(2) A true copy of every such resolution shall be filed by the foreman with the Registrar within twenty-one days of the date of the resolution, in default of which the foreman shall be liable to a fine not exceeding one hundred rupees; and every subscriber shall be supplied by the foreman with a true copy of the resolution in default of which the foreman shall be liable to a fine not exceeding ten rupees.

(3) When the date of any instalment in a chitty is postponed by a resolution passed under sub-section (1) the amount of the subscription due from the prized subscribers shall carry interest at the rate of six per centum per annum from the original date of the instalment to the date to which the instalment was postponed, and such interest shall for all the purposes of this Regulation and of the contract between the parties be deemed to have become a part of the subscription due for the instalment. The amount of such interest shall, on the date to which the instalment was postponed, be distributed by the foreman amongst the non-prized subscribers rateably according to the value of the ticket held by each, provided that no defaulting subscriber shall be entitled to receive any amount in the distribution.

Illustration. – (*a*) If the date of an instalment in a chitty is postponed from the 1st Chingam to the 1st Kumbham and the subscription due from a prized subscriber is Rs. 100, he will have to pay Rs. 103 on the 1st Kumbham; if by his default to make payment on that date he becomes liable to pay in a lump the defaulted as well as all the future subscriptions, the subscription due on the 1st Kumbham will be taken to Rs. 103.

(*b*) If there are ten prized subscribers in the chitty each having to pay a subscription of Rs. 100, which by the addition of interest is enhanced to Rs. 103, the total amount representing the interest portion of the subscriptions is Rs. 30; this amount, whether actually collected or not, shall be distributed by the foreman amongst the non-prized subscribers; or if any non-prized subscriber so agrees, may be credited towards the subscription due from him. If any non-prized subscriber becomes a defaulter as regards the payment of his subscription he will not be given any portion of the interest, and what was allotable in respect of his ticket will be taken by the foreman.

Punishment for partaking in transactions declared void by Section 4.

53. Any person who conducts or is responsible for the conduct of any transaction declared void by Section 4 and any person who pays any money towards any such transaction or collects or solicits any money for any such transaction shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both.

STATEMENT OF OBJECTS AND REASONS.

It has been represented to Government that in view of the economic distress prevailing at present it should be made possible to postpone the instalments of chitties without much difficulty. The matter was considered by the Economic Development Board, and a Bill to amend the Chitties Regulation of 1094 was, subsequently, drafted and published

in the Gazette. Since then, the matter was further considered by the Board, and their present recommendations are embodied in the new Section 52 proposed by clause 3 of this Bill, to be added to the Regulation. This Section would enable instalments in chitties being postponed. But as a postponement for an indefinite period may not be economically beneficial, it is proposed that the postponement should not be for any period beyond a year ; a power will however be reserved with the Government to allow further postponements according as the edonomic condition may demand from time to time. When an instalment is postponed the prized subscribers will pay six per cent. interest on the subscriptions due from them.

2. The Regulation declares that transactions partaking of the nature of a chitty but not falling within the statutory definition of it are void. It has been brought to the notice of Government that, none the less many such transactions, *e. g.*, the "Kurichitties" are now started and conducted. Government feel that a penalty should be imposed for the conduct of, and participation in, such transactions. A new Section (Section 53) is proposed therefore to be added for the purpose (See clause 3 of the Bill).

Appendix I—A.

***Vide* Answer to Question No. 81.**

List showing the name, age, and qualifications of the individuals newly recruited as Inspectors and Head Constables to the Traffic Branch.

No.	Name.	Age and Date of birth.	Qualifications.	Remarks.
			Inspectors.	
1	K. T. Thomas ...	36 2-3-1896 A. D.	L. M. E. (Hons.) Four years academic course in the Mechanical Engineering. 11 years practical experience in the line. Holds certificates from several firms and companies showing that he is a fully qualified engineer holding Bombay Government Diploma in Engineering, with Honours in Mechanical Engineering.	
2	B. M. Varghese ...	32 20-6-1900	Passed Madras Government Trades School Examination. Possesses 2nd class certificate of competency under Bombay Boiler Act. Engineer in P.W.D., Bombay. Has Engineering experience on steamers.	
3	L. Sankaran Nair ...	24 12-12-1033	Passed in 2nd class the Technical Board Examination in Electrical Engineering in Bangalore. A good athlete.	

Adpendix I—A (*contd.*)

No.	Name.	Age and Date of birth.	Qualifications.	Remarks.
4	G. G. Gopalan ...	24 15-11-1083	Has passed the Diploma course in Electrical Engineering at Bangalore Government School of Engineering. Was working in Auto firms in Trivandrum and Madras. Holds certificates for proficiency in Electrical Engineering	
5	N. B. Moreira ...	25 12-6-1907	Holds certificates for having undergone training in Mechanical Engineering at Bangalore. Was employed in the Mill Wright shop of the S. I. Ry.	
			Head Constables.	
1	A. Sylvester (H. C. 273) Ex-War Service Clerk. ...	32 31-12-1899	Studied up to School Final.	Exempted by Government from age bar and educational qualifications. Was a temporary Clerk in the Traffic Section before his appointment as Head Constable.
2	P. C. Abraham (H. C. 335). ...	26 18-9-1081	L. E. E.	Entered service before 25 years of age.

Appendix 1—A (*contd.*).

No.	Name.	Age and Date of birth.	Qualifications.	Remarks.
			Head Constables—(contd.)	
3	P. Soman Pillai (H. C. 168). ...	24 11-9-1083	B. A. (Hons)	
4	V. Narayana Aiyar (H. C. 184). ...	24 10-10-1083	B. A.	
5	T. Narayana Pillai (H. C. 269). ...	31 16-4-1076	Intermediate	Was wharf Superintendent, P. W. D., Quilon.
6	P. M. Koshy (H. C. 428). ...	21 19-6-1086	Completed Intermediate course	
7	Y. Subramonia Pillai (H. C. 866). ...	22 10-7-1910	Intermediate	
8	J. Gresseux (H. C. 568). ...	20 2-11-1912	School Final and knows motor mechanism and possesses M. D. L.	
9	A. Abdulkadir (H. C. 673). ...	25 15-3-1082	Holder of E. S. L. C. and Diploma in Auto mechanic and Auto Electric	Entered service before 25 years of age.
10	C. P. Varghese (H. C. 191). ...	23 16-10-1084	Intermediate. Possesses M. D. L. and badge	
11	A. Joseph (H. C. 300). ...	25 7-6-1897	Studied up to VI Class Malayalam. Possesses M. D. L. and badge.	

Appendix I—B.

***Vide* Answer to Question No. 81.**

Statement showing the names and qualifications of the applicants for the posts of Inspectors whose applications were rejected.

Serial No.	Full name and Address.	Qualifications.
1	K. Pankajakshan Nair, Varvilakathu Veedu, Chettikulangara, Trivandrum.	(1) B. A. (2) Two months training in Motor Mechanism and Electricity.
2	R. Sankara Pillai, Puthumana, Karamanai, Trivandrum.	(1) B. A (2) Knowledge of Motor Mechanism and Driving.
3	K. Padmanabha Pillai, C/o Mr. M. Thanu Pillai, Motor Engineer, Royal Stables, Trivandrum. Present address, Travancore Government Pipe Inspector, Bengal Iron Works Co., Ltd., Kulti, Culcutta.	(1) L. M. E. of V. J. T. Institute, Bombay. (2) Military training in the Indian Defence force.
4	G. Paramesvaran Pillai, H. C. 940, Kottayam Station.	(1) Studied up to Matriculation. (2) Passed the Travancore Middle School Examination and the S. H. Os. Test. Holds M. D. L.—Undergone training in motor mechanism in the Brilliant Motor Works, Kottayam —Has acted as Sub-Inspector and Inspector and received rewards.
5	N. Krishna Menon, C/o Mr. K. P. Kunjukrishna Pillai, B. A., & B. L., High Court Vakil, Trivandrum.	(1) B. A. & B. L., Vakil, Kottayam District Court. Holds a Certificate of distinction from the Commandant of the Fifth Madras University Training Corps.

APPENDIX I B—(*continued*).

Serial No.	Full name and address.	Qualifications.
6	K. R. Elankathu, late Dewan's bungalow, Neyyoor.	(1) B. A. course. Has knowledge of Motor Mechanism—Was acting Teacher in S. M. V. E. H., Vanchiyoor.
7	N. Krishna Pillai, C/o Mr C. K. Nagan Pillai, B.A., retired Anchal Superintendent, Trivandrum.	(1) B. A. (2) Undergone a course of Training in Motor Mechanism under Mr. Thanu Pillai, the Motor Engineer, Royal Stables, and holds a certificate therefor. Holds M. D. L.
8	T. Krishna Pillai, Sthanu Vilas, Trivandrum.	(1) B. A. & B. L. (2) A Diploma in Auto-Mechanism and Auto Electricity, from Motors, Madras.
9	K. G. B. Menon, Dp. M. E. Amlasudanam, Poojappurai, Trivandrum.	(1) Diplomate in M. E. (2) Knows driving. (3) A good footballer. (4) Had instructions in the management of Boilers and Engines. (5) Has knowledge of internal combustion engines.
10	K. Chandrasekhara Pillai, Clerk, Excise Commissioner's Office, Trivandrum.	(1) B. A. (2) Holds M. D. L. (3) Undergone training in Motor Mechanism in Sri Krishna Vilasom, Kottayam.
11	A. S. M. Tampi, Arumana Amma Veedu, Vallakkadavu, Trivandrum.	(1) A. M. & A. E. of Sri Ram Madras and holds certificate.

APPENDIX I B—(*contd*).

Serial No.	Full name and address.	Qualifications.
12	M. K. Pillai, C/o Mr. V. P. Madhavan Pillai, Retired Excise Inspector, Vanchiyoor, Trivandrum.	(1) Passed motor car engineering theory in 1st Class, and practical Mechanics and Driving in 2nd Class from the Mercantile Institute, Bombay. (2) Had a course of study in V. J. T. Bombay. (3) Worked as apprentice Engineer in the Factory Department of the Royal Indian Marine Dockyard, Bombay. (4) Was a supervisor in the mechanical branch of the Bombay Municipal Corporation. (5) Had his services lent to Bombay Gas Co. Was in charge of the High Pressure Gas Engines and the City Lights. (6) Served the Travancore Government as Excise Inspector.
13	N. Raghava Kurukal, Mechanical Draftsman, P. W. Workshop and Stores Division, Trivandrum.	Has passed the Examination in Mechanical Engineering.
14	C. Chakrapani Puduval, Acting Accountant, Survey Office, Trivandrum.	(1) B. A. (2) Undergone course of Training in Motor Mechanism in Sri Ram, Madras.
15	K. Sthanusubramonya Iyer C/o Mr. V. Kesava Iyer, District Court Vakil, Tuckalay.	(1) M. E. and E. E.—Served in the Electrical Department and is Draftsman in the Chief M. E S. Office, S. I. R. (2) Holds a Certificate for passing the Final in M. E. in Chengalvaraya Naicker's Institute, Madras.

APPENDIX I B—(*contd.*)

Serial No.	Full name and address.	Qualifications.
16	N. Venkateswara Aiyar, son of Mr. K. Narayana Aiyar, B. A., Retired Superintendent, School of Arts, Trivandrum.	L. M. E. (Has undergone a full-course of Training in M. E. in V. J. T., Bombay. (2) Has under-gone special Practical Training in Firms conducting Industries.
17	V. Raimesay, C/o Mr. P. R. Venkateswara Iyer, B. A. & L. T., Head Master, St. Aloysious English High School, Edathua, Tiruvella Post, Travancore.	(1) Has served as the Chief Clerk of the Royal Engineers with the Army of the Indian Expeditionary Force in Egypt. Has worked in various Firms and Government Offices in Bombay - Studied up to S. S. L. C.—Has undergone Mechanic's Course in Sri Ram Motors, Madras.
18	S. Swaminatha Aiyar, Vakil, Kottayam.	(1) S. S. L. C. (2) Passed Pleadership Examination. Has worked as an apprentice in the Kottayam Engineering and Motor Company (3) Had a course of training in Motor Mechanism in the Sri Ram, Madras—Holds M. D. L.
19	Sivaramakrishna Aiyar, C/o Mr. N. Subramonya Aiyar, Retired Senior Dewan Peishkar, Pattam, Trivandrum.	(1) B. A. (2) Well acquainted with the Mechanism of Motor Cars and Cycles.
20	P. Padmanabha Aiyar, C/o Mr. P. Padmanabha Aiyar, B. A., First Tahsildar, Trivandrum.	(1) B. A. (2) Holds M. D. L. (3) His knowledge of Motor Mechanism and good skill in Driving is certified to by C. Simon, Motor Engineer, Novis Motor Works, Madras.

APPENDIX I B—(*contd.*)

Serial No.	Full name and address.	Qualifications.
21	S. Padmanabha Iyengar, First Grade, H. C. 119 in charge of the Hackney Section, Trivandrum.	(1) Acted as Sub-Inspector and Inspector on several occasions. (2) Was working in the C. I. D. for $3\frac{1}{2}$ years. (3) Has been the recipient of several rewards for good work done. (4) Had a course of training in Sri Ram Motors, Madras, and has a sound knowledge of Motor Mechanism.
22	N. Venkateswara Aiyar, Mechanical Operator, Water Work Division, Trivandrum.	(1) L. M. E. Passed the Final Examination in the V. J. T. Institute, Bombay, in Mechanical Engineering. (2) Was working as Motor Mechanic in the Giant Motor Works at Tuticorin. (3) Now working as Mechanical Operator in Trivandrum Water Works.
23	S. Rajagopalan, C/o Mr. P. Sesha Iyengar, B. A., B. L., Retired Tahsildar and Magistrate, R. F. Station, Madura.	(1) Passed Intermediate First Part. (2) is prepared to produce Certificates of Efficiency in motor Driving and Motor Mechanism from Sri Ram Motors, Madras.
24	A. K. Hussain, Lalkothi, Golf Links Road, Trivandrum.	(1) B. A. (2) Undergone training in Motor Mechanism.
25	A. Abdul Kadir, Thunduvilakathu Puthen Veedu, near the English High School, Attingal.	(1) Completed S. S. L. C. course. (2) Holds a Diploma as Auto-mechanic and Auto-Electrician from Sri Ram Motors, Madras.

APPENDIX I B.—(*contd.*)

Serial No.	Full name and address.	Qualifications.
26	T. P. Sankar, Padmavilas, West Pattam.	(1) L. M. E. (2) Assistant Engineer in the Mills at Indore. (3) Holds a full Technological Certificate of the 2nd Class with the title of Licentiate in M. E. from V. J. T., Bombay. (4) A Certificate from City and Guilds of London Institute incorporated by Royal Charter for having passed in the 2nd class the Examination in Grade II of Motor Car Engineering. (5) Another Certificate of Proficiency of the First Class as an Engineer of Steam Engines and Boilers.
27	K. Ponnappan, Departmental Mechanic Department of Agriculture and Fisheries, Travancore.	Has passed the M. M. Examination in the 1st Class from the V. J. T., Bombay. Has worked in several firms in Bombay, Madras and Trivandrum.
28	M. Atchuthan, Traffic Inspector of Police.	(1) M. A. & B. L. (2) Had undergone a course of special study in advanced Automobile Engineering. Member of the Institute of Engineering Technology, London.
29	K. M. Kesavan, Krishna Vilas, Muttathwrai, Trivandrum.	(1) Completed Intermediate course of the Madras University. (2) Had a course of training in E. Engineering, Higher Grade at the Bangalore School.
30	Lawrence Bob, Pattam, Trivandrum.	(1) He is the Chief Mechanical Engineer of the Travancore Sugars, Ltd., assisted in the erection of monozite sifting machinery, Neendakarai, and erection of the Travancore Sugar Machinery at Alwarthrinagari and has excellent knowledge of Mechanical Engineeer ing and Workshop practice.

APPENDIX I B.—(*contd.*)

Serial No.	Full name and address.	Qualifications.
31	B. W. D. Lemus, Bhakthi-vilas, Trivandrum	(1) Now a Motor Driver under the Travancore Durbar, and well versed in all kinds of Motor Mechanism. (2) Holds a testimonial from Lt. Col. Crosthwaite, Agent to the Governor-General, to say that the applicant is a very careful and good driver, very respectable and a good class of man.
32	T. V. E. Gunther, Alleppey.	Holds a Certificate from H. Isaacs, Engineer, K. & Kids Motor Works, Ernaculam, for his knowledge of the Mechanism of different cars and careful driving.
33	V. Hoogewerf, Trivandrum.	Was an apprentice in Motor Works in Poona, under Dodge Brothers, and in Ford Sales Services of J. Williams and employed in Bahavet Electric Co., Bombay.
34	Walter J. Christie, Motor and Electric Engineer, Nagercoil.	(1) M. E. (2) Is conducting a Motor Workshop and knows Motor Mechanism in all its details.
35	C. W. Cleur, P. W. D. Supervisor, Quilon,. (Acting).	(1) Holds 9 certificates for his first Class knowledge in Mechanical and Electrical Engineering, for his success in the Graduate's Examination of the Institution of Structural Engineers (London) and for his passing the Associate Mechanics Examination of the Institution of Engineers. (2) Was the Chief Engineer in Sree Meenakshi Cotton Mills, Madura, etc.

APPENDIX I B. (contd.)

Serial No.	Full name and address	Qualifications.
36	D. Decoster, C/o Dr. M. Edward, Medical Officer, Pangode Line, 1st Battalion.	(1) Holder of S.S.L.C. (2) Holds a Certificate from Chengalvarya Naicker's Institute, Madras, for his success in 1st Class in theory and practice in Motor Car Driving and its Mechanism. Has a good knowledge of driving, fitting and road side repairs.
37	K. P. Tharu Tharakan, Motor Engineer, Kallarakkal House, Rayamangalom, Perumbavoor.	(1) L. M. E. (Hons.) from V. J. T. Institute, Bombay. (2) Had worked in Bombay Government Port Dockyards. (3) Had acted as Steam Road Roller Inspector, Travancore. (4) Running a Motor Workshop.
38	M. Mathews John Malayakkal House, Nagompadom, Kottayam.	(1) Taken M. E. Diploma in Government Trade School, Madras. (2) Had practical Training in the Carnatic Mill, M.E. Workshop, Madras, and Messrs. T. Stanes & Co., Calicut. (3) completed S. S. L. C.
39	Z. Zebastian, Valiaparambil House, Vazhapally, Changanachery.	(1) Was employed in Geo. Brunton & Sons, Engineers as fitter and turner. (2) Was an Engineer in-charge of Machinery in Martha Vilas Factory, Changanachery. (3) Was fitter and turner in Harrison's and Crossfields, Quilon. (4) Was an Engineer and Boiler fitter in Amratlal Damodrodas, Cotton Mills, Quilon. (5) Holds a Certificate of competency of the Second Class granted under the Bombay Boiler Inspection Act, 1891.

APPENDIX I B.—(*contd.*)

Serial No.	Full name and address.	Qualifications.
40	K. O. Joseph, Police Head Quarter's Office, Trivandrum.	(1) B. A. (2) Has undergone special Examination in Motor driving and Mechanism both theoretical and practical and holds certificates.
41	Andrew Jacob, Thoppil Bungalow, Baker's Road, Kottayam.	(1) Studied up to School Final. (2) Holds Certificates from Addison and Company and Elphinstone Company for his training in Motor Mechanism and driving and possessing a high order of Mechanical knowledge. (3) Was the Engineer in charge of Fancy Motor Service, Kottayam.
42	K. K. Abraham, C/o Mr. Thomas, P. Chandy, B. A., Secretary, Y. M. C. A., Trivandrum.	(1) Has passed Higher Grade Mechanical Engineering at Bangalore. (2) Had Training in the Mysore Railway Workshop. (3) Has prepared Model of Walchart's Valve Gear.
43	K. Thomas Philip, C/o The Malankara Rubber and Produce Co., Kottayam.	(1) Passed creditably Motor Engineering and Mechanism from V. J. T. Bombay. (2) Had training in Messrs. Spencer and Company, Auto Car Engineers and Fitters, Bombay. (3) Was an Engineer in National Motor Service, Chengannoor.
44	P. I. Mathew, Motor Expert, Muvattupuzha.	(1) Holds a certificate from Baker and Company for good knowledge of Motor Mechanism as a fitter. (2) Holds two other Certificates from Roddam Venkolea Row, President, Taluk Board, Tenukarda, and Dr. K. Pandalai for good knowledge of Motor Mechanism.

APPENDIX I B—(*contd.*)

Serial No.	Full name and address.	Qualifications.
45	E. Dias, Tangassery, Quilon.	(1) Passed Intermediate Examination.
46	J. B. Montant, the Belhaven, Kayankulam.	(1) Was a Wireman in Bombay Electric Supply and Tram-way Company. (2) Was Motor Inspector in Karachi Electric supply and Corporation Limited and Bombay P. W. D. (3) Was Electrical Overseer and acting Supervisor in Tata Oil Mills, Ernaculam. (4) Group Electrician in Messrs. The English and Scottish Joint Co-operation and Wholesale Society, Limited.
47	K. E. Abraham, Mysore Iron Works, Assistant Foreman, Pipe Foundry, Badrawati.	Passed M. E. at Bangalore School and worked in Mysore Iron Works as Assistant Foreman "Pipe Foundry".
48	P. M. Kuriens, Victoria Point, L. Burma.	(1) M. E. of Government Technical Institute, Insine, Burma,
49	Palakunnathu Mathai Thomas, C/o Dr. Koshy, Dental Surgeon, Trivandrum.	(1) Was fitter, Mysore Railway, Loco and Car Department, (2) Was general Mechanic in Madras Arsenal Ordinance Department. (3) Was improver in Presidency P. W. D. Workshop and Boilers, Government of Madras. (4) Sub Oil canvasser in Branch Shell Oil Storage and Distributing Company of India, Limited.
50	K. K. Chandy, Seith, Hostel, Andy Street, Royapettah, Madras.	(1) Holds Diploma in Auto-mechanism and Electricity. (2) Worked in the garages of Messrs. R. Patel and Company Fiat Motor E. India Agency, and as foreman in Ram Madras.

APPENDIX I B. (*Contd.*)

Serial No.	Full name and address.	Qualifications.
51	Joseph Autha, Modern repair Workshop, Public Road, Alleppey.	(1) Travancore School Final. (2) Had a course of practical Training in Sri Ram Motors, Madras. (3) Now proprietor of a Motor repair Workshop.
52	P. C. Abraham, Electrical Operator combined Jewell Fitters, Mallaswaram Port, Bangalore.	(1) Now a servant of Mysore Government as Electrical Operator. (2) Passed Technical Board Examination in Second Class in Electrical Engineering including Mechanical studies.
53	I. M. Mathew, C/o Messrs The New India Life Assurance, Co., Ltd., D. P. W. Division Office Road, Trivandrum.	(1) Holds credentials and testimonials from C. C. Barker-Licenciate for having served in the S. T. C. M. T. (2) Staff Captain in the M. T. for serving as corporal, and good driver with considerable knowledge of repair work.
54	J. Moses, Motor Engineer, Bengamin Lodge, Kunnukuzhi, Trivandrum.	(1) Knowledge of Motor Mechanism and competency to repair all kinds and types of motor vehicles testified to by certificates.
55	A. B. Fenn, The Malabar Commercial Corporation, Ltd., Trivandrum.	(1) Completed E. S. L. C. (2) He is in charge of a Motor Workshop and knows motor mechanism in all its details.
56	C. K. Chandy, Manager, Motor Service Syndicate, Alleppey.	(1) B. A. (2) Has acquired a fair and complete knowledge in motors and their mechanism.
57	K. E. Joseph, Kollamparambil House, Arattupuzha, Chengannoor.	(1) Holds a Diploma in M. M. from Sri Ram Motors, Madras (2) Holds M. D. L. from Travancore and B. India.

APPENDIX I B.—(*Contd.*)

Serial No.	Full name and address.	Qualifications
58	N. J. Job, Naiam parambil House, Thurithy, Chenganacherry.	(1) B. A. & B. L. (2) Has experience of Motor Mechanism. (3) Was a teacher and now a Lawyer.
59	N. J. Cheriyan, Naiamparambil House, Thurithy, Chenganacherry.	(1) Approved Motor Bus Examiner from 1930.
60	V. V. Thomas, Head Accountant, District Police Office, Kottayam.	(1) Had a special study in Motor Mechanism. (2) Holds M.D.L. and was the receipient of rewards of G. S. E. as Police Officer.
61	Joseph Mathew, Barton Hill, Trivandrum.	(1) Passed the Diploma course in the Government School of Engineering, Bangalore.
62	P. M. Mammen, Mechanical Engineer, Poovathoor House, Chengannoor.	(1) Was trained in M. Engineering in the Government School Bangalore and passed the Final Examination. (2) Holds Certificate from Harrison and Crossfields, Ltd., for being an Engineer in the Motor Works Department
63	K. P. Abraham, Chakkanathu House, Thiruvarpu, Kottayam.	(1) Holder of E. S. L. C. (2) Holder of Diploma and Certificate as A. M. and A. E. from Sri Ram, Madras.
64	John Varkey, c/o Mr. P. K. Kocheppan Tharakan, Kottayam.	(1) Passed in 1st Class from V. J. T. I, Bombay, theory and practical in Motor Mechanism. (2) The Assistant constructor R. I. M., Dockyard, Bombay certified to his satisfactory work as fitter.

APPENDIX I B.—(*Contd.*)

Serial No.	Full name and address.	Qualifications.
65	K. George, Vakil, Quilon.	(1) B. A. & B. L. (2) Has served in the University Training Corps. Calcutta, taking up motoring as a hobby. (3) Holds M. D. L.
66	M. L. Chacko, City Y. M. C. A., Bangalore.	Has passed M. E. in the Mysore Government Technical Board Examination. (2) Worked as a Motor Mechanic in Bangalore Cycles and Motors and now employed in Tatars & Co., Bangalore.
67	M. P. Kurien, Marottipparambil, Muthampalam, Kottayam.	Holds Diploma of merit in 1st Class for Motor Engineering from V. J. T. Institute, Bombay (2) Has served in Bombay Electric Supply and Tramways Co., as Motor Inspector. (3) Was in the employ of a Highland & Co., Automobile Engineers, Bombay. (4) Has served in the M. T. and A. R. Kottayam. (5) Was conducting a Motor School giving tuition.
68	V. N. Varghese, Eravipuram, Thiruvella.	(1) Passed E. S. L. C.
69	Jacob George of Chamarappally c/o V. Chandy Itty Proprietor, Kottayam, Mercantile Co.	(1) Was serving in the B. Indian Regiment during the World war as a Mechanic and Non-commissioned Officer. (2) Holds certificates as a good Driver from Army Officers.
70	K. J. Abraham, Kodiat, Thiruvalla. Camp Sankara Vilas, Jagadhi.	(1) Has successfully completed Mechanical Engineering course in the V. J. T. I. (2) An associated member of the American Society of Mechanical Engineers, New York. (3) Was Assistant Boiler Inspector for the

APPENDIX I B.—(*Contd.*)

Serial No.	Full name and address.	Qualifications.
		Leckawara Rail-road Co. (4) Supervisor in Travancore P. W.D. and Travelling Engineer for Oaks & Co., Ltd.
71	K. S. G. Raja, Auto export, The Commercial Credit Corporation Ltd., Kottayam Branch ...	Undergone Training in M. E. at the free Industrial College, Brindaban, and in practical Motor Mechanism and Electrical Engineering at Sri Ram Motors, Madras. Holds Certificates and Diploma.
72	A. R. Ramachandra Rao, Subramonian Temple, Thampanoor, Trivandrum.	Undergone training as Cabin-man in the G.I.P. Railway; Passed entrance Examination of the Railway—Undergone Engineering Apprenticeship in Electric Power House, Trivandrum.
73	P. V. George, 'A' Class Apprentice, Madras Port Trust, Madras.	S. S. L. C. Holder, 'A' Class Apprentice, Madras Port Trust, Madras, for five years.
74	K. Ratnaswamy Pillai, Assistant Draftsman, Electrical Engineer's Office, Trivandrum.	Passed Examination in Mechanical Engineering of V. J. T. Institute, Bombay, served six years in P. W. D.
75	K. Ramakrishna Pillai, Kovil Puthen Veedu, Western Quilon, Quilon.	Completed the Intermediate course, four years course in Electrical Engineering at Baroda passed the Continuous Current Electrical Engineering, appeared for the Final Grade Electrical Engineering Theory and Practical Examination of City and Guilds, London.
76	P. Narayana Pillai, C/o Mr. K. S. Sreedharan Nayar, B. A. and B. L., Quilon.	B. A. Had a course of Instruction in the Sri Ram Institute, Madras. Holds driving License.

APPENDIX I B.—(*Contd.*)

Serial No.	Full name and address.	Qualifications.
77	T. R. K. Pillai, Mechanic and Electrician C/o A. Ramakrishna Pillai, Retired Medical Officer, Thycaud, Trivandrum.	Undergone course of Training in V. J. T. Institute, Bombay, Winsor Motor Works, Madras, Harrisons & Cross field Co., Qulion, Aerial Rope-way and Motor Transport, Kottayam, Chevrolet Co., Kottayam.
78	M. Narayana Pillai, Mechanical Engineer, Kottarakara.	...
79	M. Udaya Varma Raja, Head Master Special English Middle School, Mavelikara.	B. A. Completed B. L. course Head Master, Special English Middle School, Mavelikara.
80	V. J. Jacob, Clerk, Iraq Levise, Hinaidi.	...
81	P. G. Samuel, Tiruvalla.	B. A.

Appendix I C.

***Vide* Answer to Question No. 81.**

List of First Class Constables recommended for Head Constable's post in the Traffic Branch from Districts.

Serial No.	General Number.	Rank.	Name.	To which grade recommended	Service. Yr.	M.	D.	Remarks.
			TRIVANDRUM DISTRICT.					
1	1038	1st Class Constable.	Krishna Pillai	3rd Grade Head Constable.	18	8	18	
2	253	Do.	Velu	Do.	14	11	21	
			QUILON DISTRICT.					
3	1583	Do.	T. K. Mathew	Do.	3	11	2	Appointed as Traffic Head Constable.
4	1150	Do.	Vasavan	Do.	7	3	8	
5	338	Do.	J. T. D'Cruz	Do.	4	7	0	
6	2119	Do.	Narayana Pillai	Do.	11	9	18	
			KOTTAYAM DISTRICT.					
7	729	Do.	Velu Tampi	Do.	16	3	19	Appointed as Traffic Head Constable.
8	1317	Do.	Paramesvaran Pillai	Do.	20	7	10	
9	1319	Do.	Padmanabhan	Do.	20	3	21	

Appendix I—D

***Vide* Answer to Question No. 81.**

List showing the grade, names and qualifications of the Police Constables who were appointed as Traffic Head Constables.

Serial No.	Grade.	Name.	Qualifications.	Remarks
1	1st C. C. 1129	Paramesvaran Pillai	Nil	Promoted as 3rd Grade Head Constable.
2	Do. 1026	Narayanan	Nil	Do.
3	2nd C. C. No. 1505	Kunjukrishna Pillai	Nil	Do.
4	2nd C. C. 1159	Krishnan Pandaram	Studied English up to IV Form	Do.
5	1st C. C. 1317	Paramesvaran Pillai	Promotion Examination of Head Constables.	Do.
6	1st C. C. 1593	Mathew	School Final, passed Part I of the Intermediate Examination and also the promotion examination of Head Constables.	Do.

Appendix II.—(A)

Vide Answer to Question No. 91

Copy of report No. 145, dated 1-4-1108, from the District Magistrate, Quilon, to the Chief Secretary to Government.

With reference to the correspondence resting with your letter No. R. O. C. 1129 of 1932/Judl., dated 6th September 1932, re resolution put in by Mr. R. Raman Pillai and other members of the Sri Mulam Popular Assembly about alleged ill-treatment of prisoners in the Alleppey lockup in connection with the picketing movement, I have the honour to inform you that copy of the representation forwarded to me for reference contained the name of Mr. R. Raman Pillai alone of the signatories to the representation. On 9-10-1107, I wrote to Mr. Raman Pillai who is a respectable man in Quilon, a popular representative in various sessions of the Sri Mulam Popular Assembly and the President-Chairman of the Village Panchayat and Bench Magistrate's Court, Quilon, for a period, asking him to be present for the enquiry with the necessary evidence in support of the allegations. He sent me a reply under date 12-10-1107 that he was not in possession of any direct evidence in the matter and the representation was made on the strength of the statement made to him and other members of the Sri Mulam Popular Assembly by some other persons. A copy of his letter is enclosed. He was thus of no use to me in the enquiry.

2. In the meanwhile, I had posted the enquiry to be taken up at Alleppey on13-10-1107. The particulars of the persons arrested and charged in connection with the picketing were gathered from the records of the Alleppey Police station and Magistrate's Court, Ambalapuzha, and notices were issued to four among them, who were found to be residents of Alleppey, to appear before me on 13-10-1107. All of them accepted notices but only two appeared on that date and their statements were recorded. Thereafter, the enquiry was adjourned to 4-11-1107 to be conducted at Quilon and notices were issued to 26 other persons who were picket prisoners of which 16 were personally served on the parties concerned, 6 were served by affixture to their respective place of residence and the remaining four were returned unserved as the parties could not be known. Among the 16 who personally accepted service, only 8 appeared on the date *viz.*, 4-11-1107, and their statements were recorded. The enquiry was again adjourned to 16-11-1107 with a view to get the appearance of the six persons on whom the notices were not personally served. On that date too none turned up. But in the meanwhile a letter was received from Mr. K. Kumar, said to be the President of the Travancore District Congress Committee, under date 12-11-1107, enquiring about the nature of the enquiry and offering his assistance in it. I gave him a reply that the enquiry was in progress and that he should appear on the 30th Mithunam 1107 to give his evidence. The enquiry was adjourned to 30-11-1107. Nothing could be done on that day as I had to be away at Shencotta in connection with the Dewan's visit. The enquiry was accordingly taken up the

next day *ie.*, 31-11-1107. Two persons were present on that day although four had accepted service of the notices. The statements of those two were recorded. Thus I closed the enquiry there as it appeard to me fruitless to wait on to get more of the persons although Mr. Kumar wrote to me a letter offering to produce more men if further time was granted.

In pursuance of the letter under reference asking me to allow the accused Policemen, constable No. 2102 Krishnan Nair, Head Constable Raman Pillai, writer Kesava Pillai and constable No. 2152 Mathew, to cross-examine the witness and take from them their version of the affair, I posted the enquiry to 19-2-1108 to be conducted at Alleppey in my Jamabandy camp and issued notices to those police men and the 6 witnesses whom they wanted to cross-examine. The accused policemen and witnesses Nos. 5,7 and 10 appeared in my camp and the witnesses were cross-examined. The enquiry was then posted to 6-3-1108. to be conducted at Quilon and notices were issued to the remaining 3 witnesses. Witness No. 6 alone appeared on that day and he was cross-examined by the accused policemen. Thereafter the enquiry was adjourned to 22-3-1108 and summonses were issued to the remaining two witnesses. The accused policemen were present on that day but the witnesses were not present and the enquiry was therefore adjourned to 29-3-1108 and bailable warrants were issued to those witnesses. One of them was present and he was cross-examined by the accused policemen. As the other witness was reported not to be at the place but undergoing imprisonment in Karnool prison the enquiry in regard to the cross-examination was closed there and the accused policemen were asked to explain the charges levelled against them and their explanations were obtained in the matter.

3. It will be seen from the above that 12 of the picket prisoners have been examined of whom five were cross-examined by the accused policemen. These prisoners are (1) Raman Pillai Vasudevan Pillai aged 14 of Illikal veettil, Thondankulangara, Alleppey, (2) Sankaran Velu, aged 35 of Mundupalakal residing at Kattungal, Punnapra, Alleppey, (3) Ramakrishna Pillai Gopala Pillai, aged 25 of Kottapallil, Aymalikizhakummuri, Omallur, (4) Narayana Pillai Sankara Pillai aged 33 of Pandavattu veedu, Pallana muri, Thrikunnapuzha, (5) Aiyappan Damodaran aged 20 of Pattomparambil, Pallana, (6) Krishna Pillai Krishna Pillai aged 28 of Koipanal Veedu, Omallur, (7) Narayanan Krishnan aged 19, of Chenkanda veetil, Shertallai, (8) Krishna Panikar Sivarama Panikar aged 18 of Vettavakottu, Haripad, (9) Sankara Pillai Patchu Pillai aged 28 of Puthen Veetil, Mullakal, Alleppey, (10) Krishna Pillai Gopala Pillai aged 19 of Pazhayakoikal, Vettiyar, Mavelikara, (11) K. Kumar aged 36 of Vedakkeythazhayamannil Elanthoor, Pathanamthitta, and (12) Paramesvaran Nair Krishnan Nair aged 22, of Kottapuzhakal, Kadapra, Tiruvella. Of these, Nos. 5, 6, 7, 10 and 12 had been cross-examined. These witnesses had been convicted for some offence or other in connection with picketing.

4. Witnesses Nos. 1 and 2 referred to above who gave the statements before me have no information of any ill-treatment alleged

to have been made within the lockup. Their statements are therefore of no use. Witness No. 3 has stated that he was arrested on 13-7-1107 at about 4 o'clock and taken in a car to the Police station, Alleppey, where in the presence of the Police Inspector, himself and his friend, another arrested person, were abused and belaboured. The Police Inspector at the time appears to be Mr. Kayyalam Paramesvaran Pillai. He (witness) has also stated that the next morning when they were taken out of the lockup for morning wash some constables belaboured and threatened to kill them if they would not apologise. The companion referred to by the witness is one Sundaresvaran Pillai who was also arrested the same day for the same offence. A notice was served on that man also in connection with the enquiry but he did not appear. Witness No 4 states that he has had absolutely no trouble from the police when he was in the lockup, but states that his co-prisoner used to tell him when they were in the lockup along with him that the Police constables especially one Krishnan Nair (P. C. No. 2102) of Mavelikara gave them much trouble. He was however no eye witness to any such thing. Witness No. 5 is an Ezhava of 20 years of age. He has been cross-examined by the Policemen. He deposes that on 10-7-1107 when he was picketing a shop he was arrested by a few policemen and taken to the police station, given two kicks on his chest and 3 or 4 blows on his back and then put into the lockup. He has also stated that Head Constable Raman Pillai also kicked him. This sort of behaviour is stated to have continued the next day also from other constables, for example, writer Kesava Pillai. He further states that he was harassed and beaten by other prisoners under instructions from the abovesaid Head Constable and P. C. 2102 Krishnan Nair. Witness No. 6 has stated that himself and his companion, one Ganapathi Pillai, suffered mostly at the hands of P. C. 2102 and also from other constables, for example Mathew. This Ganapathi Pillai has not turned up for the enquiry as per notice accepted by him. Witness No. 7 has stated that he and his companion suffered various sorts of ill-treatment when in the lockup at the hands of the Police. Police Constables Mathew, Krishnan Nair and Head Constable Raman Pillai are named by the witness. Witness No. 8 is a Nair youth of 18 years of age. He has stated that he has had severe torture at the hands of the Police while in the lockup mainly from Head Constable Raman Pillai and constable Krishnan Nair and also from writer Kesava Pillai. Witness No. 9 does not say that he has had any direct knowledge of any ill-treatment at the hands of the police within the lockup. Witness No. 10 is Krishna Pillai Gopala Pillai a youth of 19 years. He has stated that himself along with witnesses Nos. 5, 7 and 8 had torture at the hands of the policemen chiefly from police constable Krishnan Nair, Mathew and writer Kesava Pillai. Witness No. 11 is Mr. K Kumar, President of the Travancore Congress Committee. His statement contains only hearsay information and he has stated that he has had no sort of trouble from the police. Witness No. 12 also has stated that he suffered considerably at the hands of the Police, especially from P. C. 2102, Krishnan Nair.

5. I shall now deal with the evidence in greater detail. The point referred to for enquiry is in regard to the alleged ill-treatment of picket prisoners in the lockup at Alleppey. From the preceding paragraph it will be seen that witnesses Nos. 3, 5, 6, 7, 8, 10 and 12 have actually suffered at the hands of the police. Witness No. 3 says that he was arrested twice, the first was on 9-7-1107, when he was let off soon after his arrest and had not to remain in the lockup. It was at 4 P. M. on 13-7-1107 that he was arrested for the second time when he states that he was taken to the police station and kept under custody. According to him, himself and one Sundaresan were arrested together and produced before the Police Inspector at the Police Station, a few constables mustered round them, had their clothings removed and abused them. The Police Inspector too joined in abusing them. Constable Kurian belonging to Chengannur gave him a fist on the back and abused him in the most indecent and vulgar language. His companion also had the same treatment. It was thereafter that both of them were put up in the lockup. On the next morning when they were taken out for wash they were kicked and beaten by some of the policemen and threatened even to be killed if they would not apologise before the court. He did not make any complaint before the magistrate fearing further troubles from the police.

Witness No. 5 states that himself and Krishnan of Shertallai (witness No. 7) were arrested on 10-7-1107. Soon after taking them to the Police Station, P. C. No. 2102, Krishnan Nair, gave them two kicks on the chest and three or four fists on the back and put them in the lockup. Next morning when they were taken out Head Constable Raman Pillai gave both of them kicks on their hips (നട്ട്) with his boots. They were then taken to the Ambalapuzha Magistrate's Court and convicted and brought back to Alleppey in the evening. When they were taking meals then at 5.30 P. M. Head Constable Raman Pillai gave the witness two further kicks and another kick at the time of finishing his meal. Some days after, writer Kesava Pillai and another gave him and Sivarama Paniker a blow on the cheek and a fist each on the back. Besides the above, constable Krishnan Nair and Head Constable Raman Pillai used to make other prisoners in the lockup scold them and attempt to commit unnatural offences on him. He did not make any complaint either to the Police Inspector or the Magistrate as he could not get an opportunity for the same.

Witness No. 6, Krishna Pillai Krishna Pillai, was arrested on 12-7-1107 and taken to the Police station. Ten minutes after, constable Krishnan Nair came and gave a series of blows to his companion Ganapathi Pillai arrested along with him. Then constable Krishnan Nair approached the witness gave him a sound slap on the cheek over the ears and three or four fists on the chest. Thereafter the constable put his (witness) head between the constable's legs and fisted him heavily on back which made the witness pass out some urine and stools. The witness lay down at the spot for sometime when constable Mathew approached and kicked him on his sides near the 6th rib (ആറാംവാരി).

At 8 P. M. he was given food which was very bad. Next morning also when the witness was taken out along with Ganapathi Pillai they were troubled. He did not represent the matter either to the Police Inspector or the Magistrate.

Witness No. 7 Narayanan Krishnan was arrested on 10-7-1107 along with another picketeer, Damodaran (witness No. 5). They were taken to the Police station and seated below the tree on the northern side of it. Then constable Mathew called the witness and when he turned in response to it, the constable spat him on the face and abused him in the most vulgar manner. At 6 P. M. he was taken to the station. There constable Krishnan Nair of Mavelikara gave the witness and the companion slaps on the cheeks. Next morning when they were taken out, constable Krishnan Nair and Head Constable Raman Pillai made the witness bend forward and kicked him on the back. On return from Ambalapuzha Magistrate's Court after conviction, Head Constable Raman Pillai tortured him for not having apologised before the court. In the lock-up the other prisoners were made to fist him and his companion. Constable Krishnan Nair made the K. D's in the lock-up to pull the witness's lips. So also the next day constable Mathew kicked him on the back and constable Krishnan Nair caught hold of the witness's tuft and fisted him so heavily that the witness even passed stools. On the 16th morning when they were taken out constable Krishnan Nair saying that he wanted to take the weight of the witness lifted the witness and threw him on Gopala Pillai (witness No. 10). This witness also did not represent these things either to the Police Inspector or the Magistrate as he could not get an opportunity for the same.

Witness No. 8 says that he was arrested on 10-7-1107 along with his friend Padmanabha Pillai and taken to the lock-up. At 11 P. M. that night Krishnan Nair P. C. 2102 woke the witness up from his sleep by passing a stick through the iron bars and gave blows on his head and cheeks, the constable standing outside the lock-up. The next morning the witness was severely beaten. The same day the witness and his friend Padmanabha Pillai were taken to the Ambalapuzha court where they were convicted and taken back to Alleppey lock-up. He says that the Police used to beat them since also. Some days after writer Kesava Pillai tortured the witness and his companion alleging that they made noise. He adds that he was put in a room along with two K. D's that Head Constable Raman Pillai of Keerikad forced these K. D's to beat the witness and his companion and attempt to commit on them unnatural offence. The K. D's pulled down their lips (witness) and the friend Damodaran (witness No. 5).

Witness No 10 was arrested on 15-10-1107 and taken to the Police station. No sooner than he reached the Police station was he seated in a corner by Constable Krishnan Nair, when constable Mathew 2152 approached him and gave him a sound kick on the left shoulder. After another 30 minutes constable Krishnan Nair, with 5 or 6 constables with him, approached the witness caught hold of his tuft and

placed his head between the constable's legs and gave him four or five fists on his back. After releasing the head, Krishnan Nair gave the witness a blow on each cheek and retired along with his friends. On the morning of the 16th, constable Krishnan Nair, saying that he wanted to weigh Shertallai Krishnan (witness No. 7), took him and threw him over the witness. He has also stated that he has seen one day writer Kesava Pillai entering the lock-up and beating witness No. 8 and one Padmanabhan who has not been examined. This witness also did not represent about the troubles either to the Magistrate or anybody else.

Witness No. 12 was arrested on 2-7-1107 along with a friend of his but he alone was taken up to the lock-up. The next day morning constable Krishnan Nair approached the lock-up door and asked the witness to stand close to the door. The constable put his hands through the bars caught hold of the witness' tuft and gave him blows on the cheek. After half an hour he (witness) was pushed behind. At 8, the next morning he was taken out of the lock-up and taken to the latrine where the other prisoners were made to give him blows abuse him indecently and to catch hold of his lips. When those prisoners were so beating, constable Krishnan Nair getting dissatisfied with their mode of beating approached the witness, caught hold of his tuft made the witness bend and placed the witness's head between the constable's legs and gave kicks on the witness's back. Constable Krishnan Nair gave him blows when he was returning to the lock-up and when he was shifted to another room of the lock-up. He states that he represented the troubles he had to the Magistrate, Ambalapuzha, to which the Magistrate is said to have replied that the witness could be treated if he had any marks of violence on his body. He has also stated that the District Superintendent of Police and the Inspector of Police, Mr. Kayalam Parameswaran Pillai, were present when he represented these facts to the Magistrate and that when he was brought out of the court they asked the witness whether his statement was correct and that he told that constable Krishnan Nair beat him.

6. The witnesses, who have had ill-treatment, were cross-examined except No. 8 Sivarama Panikar who is not available for the purpose. The explanations of the accused policemen have also been obtained. Their explanations would go to show that the allegations are not true, that they were trumped up at the instance of the congress committee, that the witnesses have not complained of these facts then and there either to the Police Inspector, Magistrate or the Medical Officer or other Departmental superiors who had occasion to visit the lock-up, that these persons were not allowed greater freedom than other ordinary prisoners and that these allegations are set up as the result of after thought.

The point referred to for enquiry is as to the ill-treatment done against the prisoners while in the lock-up. As such no independent evidence can be obtained or tendered by the prisoners concerned. The ill-treatment, if any, as alleged by the witnesses, was done at a place where no other persons have access. As it is said to have been done

within the lock-up where the prisoners have no sort of freedom and under the control of the Police it is quite possible that they would, as put forward, hesitate to complain against the ill-treatment meted out to them by the Police.

7. From the statement summarised in the preceding paragraphs it will be seen that all except witness No. 8 have complained against the conduct and behaviour of P. C. No. 2102 Krishnan Nair. That this constable has been beating the picket prisoners has been told by all of them. They have not, any of them except No. 12, represented their troubles before the court. I have myself enquired of it through other sources, asked the District Superintendent of Police, Mr. Daniell, and made a reference to both the Division First Class Magistrate, Alleppey, and Stationary Magistrate, Ambalapuzha. All these three officers state definitely that they had no sort of complaint from any of the picket prisoners. I cannot therefore afford to believe the statement of witness No. 12 in that respect. At the same time I should think that the conduct of the constable No. 2102 Krishnan Nair was not what it should be. Although it is not possible to procure more evidence in a matter of the kind the conduct of the constable deserves notice.

8. Head constable Raman Pillai has evidently been a party or at least a witness to the misdeeds of the constables. His conduct also deserves notice.

9. Writer Kesava Pillai has been responsible for one incident for having beaten two of the picket prisoners on the alleged ground of having made noise in the lockup for which his conduct also deserves notice.

10. The other constable whose name is mentioned by the witnesses is P. C. No. 2152 Mathew, against whom witness Nos. 6, 7 and 10 speak. His conduct also deserves notice. Then there remains one constable Kurien against whom witness No. 3 alone speaks. His number has not been mentioned by the witness. His explanation has not therefore been taken in the matter.

11. The statement given by witness No. 11, Mr. Kumar, who states that he is the President of the organisation called 'The Travancore District Congress Committee' deserves mention although admittedly he was no eye witness to any of the incidents. Reference is made in his statement to one Raghavan Pillai, Hindi Master, which is supported by the statement of witness No. 10. The statement of the latter also is indirect in as much as he has stated that the information was given to him in the capacity of the Publicity Officer to the organisation to which he belongs by his interested companions. There is nothing dependable to support the information, as obtained by them, as such will be and are often found either concocted or exaggerated. The allegations are that Hindi Master Raghavan Pillai was arrested and taken to the station, beaten heavily by the Police men, including the District Superintendent of Police. The records of the station and the

court do not show that Raghavan Pillai was arreestd at all. I asked Mr. Daniell, the District Superintendent of Police, about his knowledge of the matter. He told me that nothing of the sort had happened. I cannot therefore afford to believe the mere statement given by witnesses Nos. 10 and 11 on the information obtained by them from indirect sources. Another point to which the statement of witness No. 11 refers is that Krishnan Nair witness No. 12 complained to the Ambalapuzha Magistrate when he was produced before the court that he was belaboured by policemen. The witness (Kumar) states that he was also present at that time. Krishnan Nair, witness No. 12, has in his statement said that he represented the matter to the Magistrate and that the Magistrate replied that he would be sent to the Hospital if marks of violence could be shown on his body. As already stated above, I made a reference to the Stationary Magistrate, Ambalapuzha, and Division First Class Magistrate, Alleppey, asking them to report if they received complaint about police ill-treatment and that they have reported that they did not receive any complaint, verbal or written, or had any occasion to notice any marks of violence on any of the picket prisoners. Copies of the reports are enclosed. I have no reason to disbelieve these reports.

12. In conclusion, I beg to state that from the evidence on record and enquiries made by me, I am led to think that there was some sort of ill-treatment at the hands of the subordinate Police men especially from those referred to in paragraphs 7 to 10 supra. In the absence of independent corroborative evidence, for which, as I said above, there is no possibility, in the circumstances of the case, it is not easy for me to definitely say that such and such a man committed particular acts. I feel morally convinced from the circumstances of the case that of the four Police men, constable No. 2102 Krishnan Nair is the worst sinner.

Appendix II—B.

Vide Answer to Question No. 96.

Copy of G. O. R. O. C. No. 1129/32/ Judl., dated the 26th Nov. 1932, to the Commissioner of Police, Travancore.

I have the honour to inform you that, on receipt of a representation in March 1932, from Mr. R. Raman Pillai and certain other members of the Sri Mulam Popular Assembly, regarding alleged Police excesses in the town of Alleppey, in connection with the picketing movement, the District Magistrate, Quilon, was requested to conduct a careful enquiry into the allegations of ill-treatment, by the Police, of prisoners in the Alleppey lock-up and submit his report to Government. The District Magistrate was also instructed to take from the policemen who were accused of ill-treatment, their version of the affair, allow them to cross-examine the witnesses, most of whom were picket prisoners, and take any evidence that they might have to disprove the allegation. The District Magistrate's report has been received, and the conclusions arrived at therein by him are—

(i) that Police Constable No. 2102, Krishnan Nair is the worst sinner in the whole affair, that his conduct has been complained against by almost all the witnesses and that the conduct of this constable deserves notice;

(ii) that Head constable Raman Pillai of the Alleppey station has evidently been a party or at least a witness to the misdeeds of the constables and that his conduct deserves notice;

(iii) that writer Kesava Pillai of the same station has been responsible for one incident, of having beaten two of the picket prisoners, on the alleged ground of having made noise in the lock-up, for which his conduct also deserves notice; and

(iv) that three witnesses have spoken against Police constable No. 2152, Mathew, and that his conduct also deserves notice.

2. Government have carefully considered the report of the District Magistrate and the conclusions arrived at by him. There is no doubt whatever that prisoners in the lock-up were ill-treated and the conduct of the policemen concerned deserves serious notice. Government accordingly order that the following punishments be meted out to them :

(i) that Police Constable No. 2102, Krishnan Nair, be dismissed from the service;

(ii) that Head Constable Raman Pillai, be degraded;

(iii) that station writer Kesava Pillai and Police Constable No. 2152, Mathew, be placed under suspension, each for a period of three months.

3. I request that you will be so good as to give effect to the order contained in paragraph 2 supra, *at once.*

4. A copy of report No. 145, dated the 1st Vrischikam 1108, from the District Magistrate, Quilon, is enclosed for your information.

A. KUMARA PILLAI,
Secretary to the Legislative Council

Supplement A.

THE MUSLIM SUCCESSION BILL.

[As settled by the Council].

A Bill to amend the Law relating to inheritance and succession among Muslims of Travancore.

Preamble.

Whereas it is expedient to amend and define the rules of law applicable to intestate succession among the Muslims governed by the Marumakkattayam law of inheritance; It is enacted as follows:—

Short title.

1. (i) This Regulation may be called "the Travancore Muslim Succession Regulation of 110 " and it shall come into force on...........day of.. .. ...

Local Extent.

(ii) It extends to the whole of Travancore.

Persons to whom this Regulation is applicable.

(iii) It applies to Muslims domiciled in Travancore who are governed by the marumakkattayam law of inheritance and also in respect of immovable property situated within Travancore, to Muslims domiciled outside Travancore who are governed by such law of inheritance.

Property in respect to which a deceased Muslim is considered to have died intestate.

2. A person is considered to die intestate in respect of all property of which he has not made a testamentary disposition capable of taking effect.

Explanation. Property in this Section does not include tarwad property unless the person dying intestate was exclusively entitled to it.

Devolution of property.

3. Such property shall, notwithstanding any customs to the contrary, devolve upon his heirs in the order laid down by the rules of Mahomedan Law.

P. VISVANATHA AIYAR,
Secretary to the Legislative Council.

Supplement B.

The following report of the Select Committee on the Travancore Kshatriya Bill, together with the Bill as revised by the Select Committee is published for general information.

Huzur Cutcherry, (By order)
Trivandrum, 2nd December 1932. A. KUMARA PILLAI,
Secretary to the Legislative Council.

To

THE PRESIDENT,
LEGISLATIVE COUNCIL,
Trivandrum.

SIR,

We, the undersigned, members of the Select Committee, appointed to examine the provisions of the Travancore Kshatriya Bill, do hereby report as follows:—

Rao Bahadur K. A. Krishna Aiyangar, who was originally appointed as the Chairman of the committee, died on the 15th January 1932 and Rao Bahadur A. Venkatarama Aiyar was appointed in his stead.

The Committee held in all 9 sittings of 23 days. As resolved upon by the council, the Minority Marumakkathayam Bill of Mr. L. R. Raja Raja Varma was considered by the Committee, and evidence taken as regards the points involved in the Bill at several important centres in the State in the neighbourhood of which, a large number of the Kshatriya population was residing, namely, Mavelikara, Tiruvalla, Kottayam, Vaikom, Alwaye and Trivandrum. In all, 148 witnesses (139) males and 9 females) were examined by the committee of whom 15 (13 males and 2 females) belonged to Kolaswaroopam Raja families, 5 to the other Raja families (Panthalam Poonjar etc.) 14 to Koil Thampuran families, 14 others to the Samantha Kshatriya families, 85 (78 males and 7 females) to the Tampan, Tirumulpad and Pandarathil families; 14 to Samantha families, 1 to Ambalavasi class and 1 to the Nambutiri community. Four of the witnesses examined, produced written statements setting forth in detail, their views on such points, to two of which 16 others had subscribed their signatures (9 Koil Tampurans, and 7 Tirumulpads, 3 of whom were males and four females). One other witness examined by the Committee filed a statement producing a newspaper cutting in support of the view expressed by him regarding partibility. Besides these, 46 memorials and written statements were received by the committee containing the signatures of 694 persons (303 males and 391 females) comprising 87 members of Kolaswaroopam Raja families (45 males and 42 females), 189 of other Raja families such as Panthalam and Poonjar, (47 males and 142 females) 105 Koil Tampurans (38 males and 67 females) 294 of the Tampans, Tirumulpads and Pandarathil sects, (160 males and 134 females) 1 Samantha (male), and 18 Ambalavasis (12 males and 6 females). Leaving the Samanthas, Ambalavasis and Nambutiris out of account, the Committee has been able

to get the views in the aggregate of 687 Malayala Kshatriya (416 males and 271 females) or nearly 28·65 of the total Kshatriya population in Travancore (1,566 males, and 1,370 females or 2,396 in all).

Copies of the Proceedings of the 10th meeting of the Keralia Kshatriya Maha Sabha at Karunagapalli on 22nd Medom 1107 and that of the report of the Committee appointed by the Keraliya Kshatriya Youth League to consider the Kshatriya Bill and the draft Kshatriya Bill prepared by Mr. L. R. Raja Raja Varma Koil Tampuran and the memorandum attached thereto were also received and duly considered.

As there was a sharp difference of opinion as regards defining the communities to be brought under 'Kshatriyas', we have contented ourselves by defining the above expression as comprising all the members of the Malayala Kshatriya community known and recognised as such. Monogamy has been made strictly enforceable in the case of future marriages and registration by a prescribed authority made essential for the validity of future marriages. Out of deference to the wishes of a large section of the community, endogamous marriages between members sufficiently remote from each other in relationship have been made permissible. Free divorce has also been provided for with adequate provisions for avoiding separations in moments of impulse.

A nominal compensation not exceeding Rs. 100 has been fixed as payable under orders of Court after a summary proceeding in cases of dissolution, care being taken that the causes of the divorce should not be allowed to be enquired into in such proceedings. The provisions of the Nayar Regulation regarding divorce have however been declared applicable in cases of marriages of Kshatriya males with Nayar females.

Necessary provisions for guardianship, intestate succession, and Tarwad management have been inserted on the lines of those contained in the Nayar Regulation with changes considered necessary to suit the wishes of a majority of the community. Maintenance for Kshatriya and non-Kshatriya children from the father and also that of the members of Kshatriya families from their Tarwad have been suitably provided for and provisions made for the maintenance of fathers and incapacitated major children.

As it was found that a large body of the witnesses examined by the Committee and those who sent up memorials and statements desired to introduce partibility in Kshatriya families, the necessary provisions have been inserted agreeably to their wishes. Out of the 132 witnesses of the Kshatriya community examined by the Committee 99 males and 8 females were for conferring the right of partition on demand to each and every one in the family, while 4 required the conferring of such rights only on the application by a majority and 9 others advocated thavazhee partition while 7 were for continuing the families as impartible, the remaining 5 not having expressed either way on this question. It may be worthy of note here to observe that all the 82 (*i. e.*, 76 males and 6 females) examined from among Tampans, Tirumulpads, Pandarathils, etc., have unequivocally expressed themselves for an out and out partition on demand by any single member. Out of the Koil Tampurans examined 7 were for such partition, 3 for individual partition on demand by a majority, 3 for thavazhee partition, and 1 alone for impartibility. Among the Kolaswaroopam Rajas, 10 were for out and out

partition on demand by any single member, and 6 for thavazhee partition, none of them having advocated impartibility. Among the other Rajas (Pandalam, Poonjar, etc.) 3 were for out and out partition, one advocated the grant of such rights only on the majority acceding to it and one alone praying for the impartibility to be continued. Of the Samantha Kshatriyas examined by the Committee, all execept one were in favour of partition. Of the persons who have sent up memorials and written statements 462 persons (214 males and 248 females) have favoured partition absolutely, while one favoured thavazhee partition, and 2 others were in favour of allowing individual partition on the application by a majority of the adult persons, while 215 persons (79 males and 136 females) were against partition. It may be pointed here that all the Tampans and Tirumulpads who had filed memorials or written statements were for allowing partition on demand by any single member. Even among the other Kshatriya families, Karnavans of some of the families such as Mariappalli, Pallam, Lakshmipuram and Elanji Mantrakoikal, expressed themselves completely in favour of partition. It was also brought out in the course of evidence that partition deeds were effected in some families on a per capita basis and that upon the representation of certain members of some of the families, about political pensions in this State, and Malikhana in British India, a division thereof was allowed, and payments ordered on that basis. To meet the wishes of the community the Committee has therefore provided for individual partition on demand by any single member, also enabling a thavazhee partition if all the adult members of such thavazhee demand it. Provision has also been made for exemption being granted by Government on the application of a majority of the members of a Tarwad from the operation of the sections relating to partition absolutely or from that of the sections relating to individual partition, and revoking such exemption if applied for later by the then majority of adult members.

There was a proposal that there should be a provision in the Bill to enable the Government *suo moto* to exempt certain families from the operation of the sections relating to partition, wholly or in part. This was objected to by the Mover in which view the majority of the members present concurred.

As the Committee considered a recasting of the whole Bill necessary in the light of the evidence before them the Bill introduced into the Council has been changed considerably and another drawn up afresh. A copy of the Bill as re-drafted, is hereto appended, and this may be republished.

A. VENKATARAMA AIYAR,
Chairman.

MEMBERS.

K. Madhavan Pillai.	C. N. Tuppan Namputiripad.
A. Thanu Pillai.	K. Krishnan Nayar.
K. Parameswaran Pillai.	M. Govindan.
L. R. Raja Raja Varma.	A. S. Damodaran Asan.
Rama Varma.	M. Kerala Varma Tampan.
P. S. Mahomed.	K. Padmanabha Panikkar.

18th November 1932.

SUPPLEMENT C.

THE TRAVANCORE KSHATRIYA BILL.

(As recast by the select Committee)

Preamble.

Whereas it is expedient to define and amend the law relating to marriage, succession, partition, tarwad management, and maintenance, of the Malayala Kshatriyas (excluding the members of the Royal Family of Travancore);

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (1) This Regulation may be called the Travancore Kshatriya Regulation of...

(2) It shall come into force on..............

(3) It shall apply to all Malayala Kshatriyas (excluding the members of the Royal Family of Travancore) domiciled in Travancore, and to such Kshatriyas not so domiciled, and non-Kshatriyas, whether so domiciled or not, as have, or shall have, marital relations with Kshatriyas domiciled in Travancore, and also to all Malayala Kshatriyas, wherever domiciled, in respect of their properties in Travancore.

Definitions.

2. In this regulation, unless there is something repugnant in the subject or context: -

(1) "Kshatriya" includes the members of all communities commonly known or recognised as Malayala Kshatriyas.

(2) "Murumakkathayam" means the system of inheritance in which descent is traced in the female line.

(3) "Thavazhi of a female" means a group of persons consisting of that female, her children, and their issue how-low-so ever in the female line, or such of that group as are alive.

(4) "Thavazhi of a male" means the thavazhi of his mother.

(5) "Collateral Thavazhi" are thavazhies of females who though descended from a common ancestress, do not stand in the direct line of ascent or descent from one another.

(6) "Tarwad" means and includes all the members of a marumakkathayam family, with community of property.

(7) "Karanavan" means the senior major male member of the tarwad, in whom the headship of the tarward, the right of management of its affairs, and possession of the properties thereof, are vested in law, and, in the absence of such male member, the senior major female member.

(8) " Anandaravan " means any member of a tarwad other than the karanavan.

(9) " Senior Anandaravan " means the major anandaravan who, for the time being, is next in order of succession to Karanavastanam in the tarwad.

(10) "Minor" means a person who has not completed eighteen years of age.

(11) " Prescribed " means prescribed by rules made by Our Government under this Regulation.

CHAPTER II.

MARRIAGE AND ITS DISSOLUTION.

Classes of Conjugal unions of Kshatriyas which are valid marriages.

3. The conjugal union of—

(a) A Kshatriya male or feamle with a Kshatriy female or male as the case may be, subject to such restrictions of consanguinity and affinity, as are approved by the community or communities to which they belong, or

(b) a Kshatriya male or female with a non-Kshatriya female or male, as the case may be, where such union is permissible according to recognised usage,

shall be deemed to be a valid marriage for the purpose of this Regulation, if registered in the manner hereinafter provided for :

Provided that, notwithstanding the provisions of Section 3 of the Nayar Regulation, II of 1100, marriages of Kshatriya males with Nayar females shall be valid, whether registered in the manner herein provided for, or openly solemnised by the presentation of cloth as provided for in the Nayar Regulation, II of 1100 :

Provided also, that marriages, where both parties are Kshatriyas, shall not be deemed to be invalid by reason of consanguinity or affinity alone, if they are removed from the common ancestress by more than four degrees, except in cases where both the parties are members of the same undivided family ; and

Provided further, that all marriages in force on the date of the commencement of this Regulation shall be valid, irrespective of registration.

Registration of marriage.

4. (a) The registration required under Section 3, shall be done, on application by the parties to the union, or their guardians, by such authority, in such manner, and on such conditions, as to payment of fees, custody of the records evidencing the registration, and generally all other matters relating and incidental thereto, and necessary therefor, as may be prescribed by our Government in this behalf, if the parties to any marriage in force on the date of the commencement of this Regulation, apply for such registration, the same shall be similarly effected.

(b) Certificates in such form as may be prescribed by our Government in this behalf, shall, on such registration, be issued to each of the parties to the union or marriage, or their guardians, making the application, by the authority registering the same.

5. The subsequent marriage of—

(a) any Kshatriya male or female having a wife or husband, as the case may be, or

(b) any non-Kshatriya male or female having a Kshatriya wife or husband as the case may be, or

(c) any non-Kshatriya male or female having a non-Kshatriya wife or husband, as the case may be, with a Kshatriya female or male as the case may be,

shall be void.

Dissolution of marriage

6. A marriage may be dissolved only in one of the following ways :—

(i) by the death of either party;

(ii) by mutual consent evidenced by an instrument registered under the law in force relating to registration of documents ;

(iii) by a formal order of dissolution as hereinafter provided.

Petition for dissolution of marriage.

7. Notwithstanding anything contained in the Civil Courts Regulation, a husband or wife, or his or her guardian, as the case may be when an application could not be legally made by him or her direct, may present a petition for dissolution of the marriage under Section 6, sub-section (iii), in the Court of the District Munsiff within the local limits of whose jurisdiction the counter-petitioner resides, carries on business, or personally works for gain, or if the counter-petitioner resides, works for gain, or carries on business, in any place outside Travancore, in the Court of the District Munsiff, within whose jurisdiction the petitioner resides, works for gain' or carries on business. The petitioner shall, in all cases, offer in the petition itself, reasonable compensation not exceeding one hundred rupees for payment to the counter-petitioner on dissolution. The petitioner shall produce along with his petition, such fees, for the transmission of the copy of the order of dissolution to the registering authority as herein below required, and in such manner, as may be prescribed by our Government in this behalf.

Notice to be given to the counter-petitioner.

8. A copy of such petition shall be served on the counter-petitioner at the expense of the petitioner, in the manner provided for the service of summons on a defendant in the Civil Procedure Code.

When and how order of dissolution should be passed.

9. (1) Six months after the service of the copy of the petition under Section 8, if the petition is not withdrawn in the meantime, the court shall declare in writing that the marriage shall stand dissolved, and thereafter proceed to determine the amount of compensation payable to the counter-petitioner, if necessary.

Provided that the court shall not, in such cases, enquire into the causes of the disolution of the marriage, but confine its enquiry solely to the status of the parties, and award, by its order, a sum not exceeding one hundred rupees, as compensation.

(2) The procedure prescribed under the Civil Procedure Code for the trail of Small Cause suits shall as far as possible, be applicable to enquiries under this Section.

(3) So far as it decrees payment of compensation, such order shall be executable as a decree under the Code of Civil Procedure, on payment of Court fees on the amount adjudged.

Court order of dissolution to be forwarded to authority registering marriages.

10. A copy of the order of dissolution shall be forwarded by the Court to the authority competent to register the marriage under this Regulation. Such authority shall register the order in such manner as may be prescribed by our Government.

The provisions of Nayar Regulation to govern dissolution of marriages of Kshatriya males with Nayar females

11. Notwithstanding anything contained in Section 7 to 10, the provisions of the Nayar Regulation II of 1100, relating to dissolution of marriages, shall alone apply to marriages between Kshatriya males and Nayar females.

CHAPTER III.

Guardianship.

Guardianship of minor wife and children.

12. (1) The husband shall be the legal guardian of his minor wife in respect of her person and separate property.

(2) Save as regards married daughters under the guardianship of their husbands, the following persons in the order named, shall be the legal guardians of the minor children in respect of their person and separate property; the mother, the father, the uterine brothers, the uterine sisters, the mother's brothers, and the major male members of the grant-mothers' thavazhi how-high-so-ever, the nearer excluding the more remote.

CHAPTER IV.

Testamentary Powers.

Testamentary disposition.

13. A Kshatriya may dispose of by will the whole of his or her self acquired and separate property,

CHAPTER V.

INTESTATE SUCCESSION.

Where intestate Kshatriya male has left widow, mother, or lineal descendants.

14. On the death of a Kshatriya male leaving him surviving, a widow or widows, or mother or both, and children, or lineal descendants of deceased children, or all, they shall, notwithstanding the provisions of Section 21 of the Nayar Regulation or any other law for the time being in force governing the parties take, after deducting all reasonable expenses for his funeral, the whole of his self acquired and separate property left undisposed of by him at his death, and in the absence of the mother and the widow, the children, and the lineal descendants of deceased children shall take the whole. In the absence of the mother, the widow, children and the lineal descendants shall take the whole.

Rules of distribution of estate under Section 14.

15. The distribution of the estate under Section 14 shall be according to the following Rules:—

(i) The widow or widows, if there are more than one, and the mother, shall each be entitled to a share equal to that of a son or daughter.

(ii) Sons and daughters shall take the property in equal shares, provided that if a son or daughter shall have predeceased the intestate, the lineal decendants of such child shall take the share which such child would have taken had it survived the intestate.

(iii) The grand-children shall take in equal shares what their father or mother would have taken, had he or she survived the intestate. In like manner, the property shall go to the surviving lineal descendants of the intestate, where they are all in the degree of great grandchildren to him in a more remote degree.

ILLUSTRATIONS.

(*a*) A dies intestate leaving B and C two widows, D his mother, E a son, F a daughter, and the lineal descendants of a deceased son G. B, C, D, E and F each gets 1/6th of the estate and the lineal descendants of G together get 1/6 of the estate.

(*b*) A dies leaving him surviving B a son, C a daughter, and two grand-children by deceased daughter D, and two grand-children and a great grand-child by a deceased grand-child, by deceased son E. B and C shall be entitled to ¼ of A's estate. Each of the grand-children by D shall be entitled to 1/8. Each of the grand-children by E shall be entitled to 1/12, and the great grand-child by E to the remaining 1/12 of A's estate.

Where intestate Kshatriya has left widow and mother only.

16. On the death of a Kshatriya male, leaving him surviving, no children or lineal descendants of deceased children, but only his widow or widows and his mother, they shall take such property after defrying his funeral expenses equally.

In the absence of the widow, the mother shall take the whole.

17. On the death of a Kshatriya male leaving him surviving, neither his mother nor his lineal descendants, but only his widow and his mother's thavazhi, one half of the self acquired and separate property left undisposed by him at his death, after meeting the funeral expenses shall devolve on his widow, and the other half on his mother's thavazhi.

Where intestate Kshatriya has left mother's thavazhi only.

In the absence of the mother's thavazhi the widow shall take the whole, and in the absence of the widow, the mother's thavazhi shall take the whole.

18. On the death of a Kshatriya male, leaving him surviving, none of the heirs mentioned in Sections 14, 16 and 17, but only his father and his grand-mother's thavazhi, one half of the self acquired and separate property left undisposed of by him at his death, shall similarly devolve on his father, and the other half on his grand mother's thavazhi. In the absence of the grand-mother's thavazhi, the father shall take the whole, and in the absence of the father, the grand-mother's thavazhi shall take the whole.

Where intestate Kshatriya male has left father and grand-mother's thavazhi only.

19. On the death of a Kshatriya male, leaving him surviving none of the heirs specified in Sections 14 and 16 to 18, the self acquired and separate property left undisposed of by him at his death, after meeting his funeral expenses, shall devolve on the thavazhi of his great grand-mother, or on the thavazhi of his more remote female ascendants, the nearer excluding the more remote.

Where intestate Kshatriya male has left none of the heirs in Sections 14, 16, 17 and 18.

20. On the death of Kshatriya female, leaving her surviving, her husband, her mother or both, and her children, or the lineal descendants of her children, or both, they shall take the whole of the separate or self acquired property left undisposed of by her on her death after meeting her funeral expenses in equal shares. In the absence of the husband and the mother, the children and the lineal descendants shall take the whole, and in the absence of the mother, husband, children and the lineal descendants shall take the whole.

Where intestate Kshatriya female has left children or lineal descendants by deceased children.

The provisions of Section 15 Sub-sections (ii) and (iii) shall apply to the distribution of the estate among the children and the lineal descendants under this section.

21. On the death of a Kshatriya female, leaving her surviving, no children or lineal descendants of deceased children, but only her husband and her mother, one half of her self acquired and separate property left undisposed of by her on her death shall similarly devolve on her mother, and the other half on her husband.

Where an intestate Kshatriya female leaves her husband and mother.

In the absence of the husband the mother shall take the whole.

22. On the death of a Kshatriya female, leaving her surviving, neither her mother nor her lineal descendants, but only her husband and her mother's thavazhi one-half of her self acquired and separate property left undisposed of by her at her death, shall likewise devolve on her husband and the other half on her mother's thavazhi.

Where an intestate Kshatriya female leaves her husband and mother's thavazhi.

In the absence of the mother's thavazhi, the husband shall take the whole, and in the absence of the husband, the mother's thavazhi shall take the whole.

No right to parties to marriage not in force at one's death.

23. Nothing in Sections 20 to 22 shall confer any right on any person whose marriage with the deceased was not in force on the date of her death.

24. On the death of a Kshatriya female, leaving her surviving, none of the heirs mentioned in Sections 20 to 22, but only her father and her grand-mother's thavazhi, one-half of the self- acquired and separate property left undisposed of by her at her death shall, after meeting her funeral expenses devolve on her father, and the other half on her grand-mother's thavazhi.

Where Kshatriya female has left father and grand-mother's thavazhi.

In the absence of the grand-mother's thavazhi, the father shall take the whole; and in the absence of the father, the grand-mother's thavazhi shall take the whole.

25. On the death of a Kshatriya female leaving her surviving none of the heirs set forth in Sections 20 to 22 and 24, the self-acquired and separate property left undisposed of by her at her death, shall similarly devolve on the thavazhi of her great grand-mother, or on the thavazhi of her more remote female ascendants, the nearer excluding the more remote.

Where intestate Kshatriya female has left none of the heirs under Sections 20 to 22 and 24.

26. (1) (*a*) On the death, after the commencement of this Regulation, of a non-Kshatriya male, leaving him surviving, a Kshatriya widow or widows, or Kshatriya children, or the lineal decendants of such children or all, and also other widows in whom, or in whose children if any, by such husband, a right to inherit his separate or self-acquired property is recognised by law, or children by such widows, or those by other similar deceased non-Kshatriya wives who may have predeceased such non-Kshatriya male, such Kshatriya widow, widows, Kshatriya children, or Kshatriya lineal descendants, or all, shall, notwithstanding the provisions of Section 21 of the Nayar Regulation II of 1100, and those of Sections 15 and 16 of the Travancore Malayala Brahmin Regulation III of 1106, be entitled, after deducting the reasonable expenses for his funeral, to take along with such other widows, children or lineal descendants, the

Where intestate non-Kshtriya male leaves a Kshatriya widow, children or lineal descendants of deceased children.

separate or self-acquired property left undisposed of by him after his death, each taking an equal share, subject to the provisions of Section 15, sub-sections (ii) and (iii) of this Regulation.

Proviso in the case of deceased Malayala Brahmin husband.

(*b*) Provided that where a Malayala Brahmin leaves behind him a Kshatriya widow, or widows, or Kshatriya children, or both, or lineal decendants of such children, or all, but has not left behind him a caste widow, or children by his caste wives, Kshatriya widow or widows, his Kshatriya lineal descendants and other widows of the kind referred to in clause (*a*) of sub-section (1) of this section, and the lineal descendants by such wives, and his Illam, shall take equally such self-acquired or separate property, the Illom being given at such distribution the same share as a widow under clause (*a*) of this sub-section.

Where non-Kshatriya husband follows the ordinary Hindu Law.

(2) In cases where such non-Kshatriya male happens to be one, following the ordinary rules of Hindu Law, the share accruing under sub-section (1) (*a*) to his caste widows and his caste lineal descendants, when co-existing with other widows or other lineal descendants or both, will have to be computed together, and the whole portion of the self-acquired or separate property so accruing, allowed to be taken by such persons among them, as is entitled to be the manager of the coparcenary of such heirs under the law governing them, and the same allowed to be divided, by such persons only as are entitled thereto by such law, and in such manner as is required thereby, or otherwise dealt with as laid down thereunder.

Provided that, in the absence of lineal male descendants of caste wives where the deceased has left behind him a caste widow for widows, his mother or other caste heirs according to the law applicable to them, or all, the shares of the caste widow or widows, and his lineal descendants, if any, shall be computed under sub-section (1) clause (*a*) of this section and the same allowed to be taken by the manager of the coparcenary constituted by the caste widow or widows and other heirs according to the law govering them, if any, to be dealt with in the manner required by the same.

Illustrations.

(*a*) A, a Nambuthiri dies leaving behind him B, a Kshatriya widow, C and D, his children by B, E, a caste-widow, and F and G, children by E, and H, a Nayar widow, J and K children by H. B to H, J and K will each be entitled to an 1/9 share in A's separate and self acquired properties.

(*b*) A, a Nambuthiri, dies, leaving behind him B, a Kshatriya widow, C her son, D and E two daughters by another Kshatriya wife who predeceased him, and F and G two grand-sons by another daughter who had predeceased him, H, a caste widow, and J, a son by her. B to E, H and J will each be entitled to an 1/7 share of the separate self-acquired property of A, and F and G each to an 1/14th share.

(c) A, a Nambuthiri, dies leaving behind him B, a Kshatriya widow, C and D sons by another Kshatriya wife, the marriage with whom was not subsisting on the date of his death, E, a caste widow, F and G children by his caste wives, and H, a widow of another community, the rights of the offspring of marriage with members of which community, to inherit his separate or self-acquired property have not been recognised by any law, or custom or usage having the force of law, and J, his son by H, B to G alone will each get an 1/6 share in his separate or self-acquired property.

(d) A, a Nambuthiri Brahmin, dies leaving behind him, B, a Kshatriya widow, C and D Kshatriya children, E and F members of his Illom other than his caste widow and lineal descendants, G, a Nayar widow, and H and J Nayar children. B to D and G to J will each get an 1/7 share in his self-acquired or separate property and his Illom consisting of E and F will get the remaining 1/7 share.

(e) A, a Tulu Brahmin following the ordinary Mitakshara law of inheritance, dies leaving behind him B, a Kshatriya widow, C, a Kshatriya son, D, an Kshatrya daughter, E, a Nayar widow, F and G children by E, H and J, his caste widows, K and L two sons by caste wives and M, N and O, three daughters by his caste wives, B to G will each be entitled to get 1/13 share in A's separate or self-acquired properts, alloting to each of H and J to O an 1/13th share for computation purposes alone. The 7/13th share accruing to them will be allowed to be taken by K, or any other manager of the coparcenary, for the time being, to be disposed of, in the manner allowed by the law governing them.

(f) A, a Tamil Brahmin, dies leaving behind him B, a Kshatriya widow, C, a Kshatriya son, D, a Kshatriya daughter, E and F two caste widows, G a daughter by a deceased caste wife, and H and J two other heirs entitled to hold his property jointly with E and F under the law, as administered in Travancore. B to D will each take an 1/6 share in A's separate or self-acquired property. E to G will be allotted an 1/6 share each for purposes of computation. The aggregate of the share accruing to them *viz.*, 1/2, will be handed over to the manager of the coparcenary of which E and F and the other heirs above referred to are members, for being disposed of according to the law governing them.

Devolution of property acquired by gift or bequest.

27. Property acquired by gift or bequest by a Kshatriya wife, or Kshatriya widow, or Kshatriya child or from the husband or father, as the case may be, after the commencement of his Regulation, shall unless a contrary intention is expressed in the instrument of gift or devise, if any, belong to the wife or widow and each of the children in equal shares.

Possession of intestate estate till division

28. The seniormost Kshatriya male member among the lineal decendants of the intestate, or in the absence of any adult male member, the Kshatriya widow or the oldest of the Kshatriya widows, if there are more than one, shall be entitled to the possession and management of the estate mentioned in Section 14, 15, 16, 20 and 26

until devision is effected. In like manner the Karanavan of the thavazhi mentioned in Section 18, 19, 21, 22 and 24, shall be entitled to the possession ane management of the estate referred to therein, until division is effected.

CHAPTER VI.

TARWAD AND ITS MANAGEMENT.

Powers of Karanavan.

29. The Karanavan shall have the right to be in possession and management of all the properties belonging to the Tarwad, and of the Devaswoms and other institutions of which the tarwad has Uraima or such other right.

Delegation by Karanavan or agents.

30. No. Karanavan shall delegate his powers, as such, to any one, but may appoint managers under registered powers of attorney for management, and doing other acts incidental thereto.

Surrender of Karanava stana'c Unilateral.

31. The Karanavan shall have the right to give up the management by a unilateral surrender, evidenced by a registered instrument.

Karanavan to maintain a correct inventory of valuable movables, and to keep accounts.

32. The Karanavan, or the manager of the tarwad for the time being, shall maintain a true and correct inventory of all valuable movables of the tarwad, and keep a correct and true account of all receipts and disbursements of the tarwad. Such inventory and accounts shall be available, on reasonable notice, for inspection by the adult Anandaravans in the tarwad house, or such other place as may be appointed in this behalf by such Karanavan or managing member, and at such times as may be fixed therefor by him. On demand, copies of such inventory or accounts shall be given to any member of the tarwad at his or her cost.

Alienation of tarwad property.

33. (1) Except for consideration and tarwad necessity, and except with the written consent of all the major members of the tarwad no Karanavan or other managing member shall sell immovable properties or valuable movables, belonging to the tarwad, or execute kanam deeds for immovable properties, or mortgage the same with possession, or lease them, for a period of more than 12 years.

Saving as regards renewals of Kanom.

(2) Nothing in this Section shall affect the right of the karnavan to execute solely renewals of kanam deeds that are already in force.

Registry of Kilimanoo lands not affected.

(3) The provisions of this Section shall not apply to the right of registry of unregistered lands in the Kilimanoor and Pazhaya Kunnummel pakuthies or to the disposal of timber, standing or felled, in the forests therein.

34. No mortgage with possession, or lease with a premium for more than one year's rent for a period of twelve years or less, with respect to immovable properties belonging to the tarwad, shall be valid, unless it is executed for consideration and tarwad necessity, with the consent of all the major members of the tarwad. Such necessity shall be presumed to exist if the transaction has the written consent of the senior Anandaravan of the Karanavan's branch and that of every collateral branch, if any.

Mortgages and leases of tarwad property.

35. No debt contracted by the karanavan or managing member shall bind the tarwad, unless it be for tarwad necessity.

Debts when binding.

36. No Karanavan shall, without the written consent of all the adult members of the tarwad invest any holder of tarwad property with the right of erecting any building thereon, or appurtenances thereto intending payment of compensation at redumption or of effecting substantial modifications therein, or of converting the nature of the land, or of planting the same, in any manner prejudicial to the interests of the tarwad, or create other charges thereon, detrimental to the rights of its members.

Charges on tarwad property when not binding.

37. Where the karanavan incurs a debt, alleging the existence of necessity, such necessity shall, as between the creditor on the one part, and the members of the tarwad who have not consented to the debt, on the other part, be presumed to have existed, if the creditor after using reasonable care to ascertain the existence of necessity, has acted in good faith.

Presumption regarding necessity.

38. No decree shall bind the tarwad, unless it is obtained against the karanavan, as such, and the senior anandaravans of his thavazhee, and of every other thavazhee collateral to the, if any.

Decree against tarwad when binding.

CHAPTER VII.

MAINTENANCE.

39. Every member of a tarwad shall be maintained by the tarwad whether such member lives in the tarwad house or not.

Right of maintenance.

No minor member of a tarwad shall be deemed to be entitled to maintenance at a lesser rate than a major, on the mere ground that he or she is a minor.

Explanation.

40. Notwithstanding the provisions for maintenance from the tarwad detailed above, a Kshatriya wife and minor children, except married daughters under the guardianship of their husband, and unmarried major daughters and major sons incapacitated through mental or physical informity, living with the father, shall be entitled to claim the same, from the husband or father, as the case may be.

Right of Kshatriya widows and minor children except unmarried daughters.

41. Every Kshatriya male shall be bound to maintain his non-Khatriya wife and non-Kshatriya minor children, except married daughters under the guardianship of their husbands, and unmarried major daughters and major sons, incapacitated through mental or physical infirmity living with him.

Duty of Kshatriya to maintain non-Kshatriya wives and children.

42. Every Kshatriya, who is unable to maintain himself or herself, as the case may be, shall have the right to be maintained by his or her children, as the case may be, if possessed of sufficient independent means, and every Kshatriya shall be bound, if possessed of such means to similarly maintain his or her non-Kshatriya father unable to maintain himself.

Duty to maintain father.

CHAPTER VIII.

Partition.

43. Every member of a tarwad shall have the right to divide himself or herself as the case may be, from the tarwad, by making a demand for the purpose, and on such demand, such member shall be entitled to such share in the tarwad properties as will fall to such member, if a division per capita were made among all the members of the tarwad on the date of such demand.

Right of partition.

Provided that such demand is made in one of the following ways:

(*a*) by the presentation of a plaint in a suit for partition, or that of a written statement or other pleading claiming a share in a suit for partition; or

(*b*) by an unequivocal declaration in writing registered in accordance with the law for the time being in force for the registration of documents.

44. Every female member claiming her share of the tarwad properties may also claim the shares of her minor children therein.

Female member entitled to claim the shares of her minor children.

45. (1) Notwithstanding anything, contained in Section 43, any thavazhi or other group of members of a tarwad, shall have the right to divide from the tarwad by making a demand for the purpose, and on such demand, such thavazhi or such other group, as the case

Claim to partion by Thavazhi or thavazhi group.

may be, shall be entitled to such share in the tarwad properties as will be equivalent to the aggregate of the shares of the thavazhi or other group, as the case may be, if a demand be made by each of such members of the thavazhee or group, as the case may be, on the date of the demand.

Provided that the demand by the thavazhi or other group shall be made in such manner as is provided for by Section 43 by all the adult members of the thavazhi or group, as the case may be.

(2) The thavazhi or the group, as the case may be, shall hold such share jointly as if it were tarwad property belonging to such thavazhi or group, with all the rights and obligations incidental to tarwad properties, and such other rights and obligations arising from the provisions of this Regulation.

No alienable or heritable right until partition.

46. Until partition, no member of a thavazhee or group in a tarwad shall be deemed to have a definite share in tarwad property. A demand under Section 43 or 45, as the case may be will also constitute a partition for the purposes of this Section.

When Karanavan or managing member entitled to additional properties.

47. One-fourth of the aggregate made up of the acquisitions, if any, made during a Karanavan's management, with the aid of the income from tarwad property, and the amount of liabilities of the tarwad incurred before he or she became Karanavan, discharge by him or her, as the case may be, after setting off the liabilities incurred during such management, shall be treated as such Karanavan's acquisition at the time of partition.

Procedure when division of property or right is inconvenient.

48. If the property or right rendered divisible under this Chapter is incapable of actual division, or cannot be divided without seriously lessening its value or utility, the enjoyment in common, by turns, as circumstances of the particular case will permit, or in such other manner as may be considered, proper may be made.

Saving regarding Kalimanoor and Poonjar Edavagis.

49. Nothing in this Chapter shall confer any right of partition as regards the rights of the Kilimanoor Estate, as such or as regards the rights of the tarwad of the Poonjar Chief in respect of lands within the limits of the Poonjar Edavagai.

CHAPTER IX.

MISCELLANEOUS.

Right, etc., not conferred and unaffected by the Regulation.

50. Nothing in this Regulation shall be deemed to affect any rule of Marumakkathayam law, custom, or usage, except to the extent expressly provided for in this Regulation.

Application for exemption from provisions relating to partition.

51. (1) The majority of the adult members of a Kshatriya Tarwad may apply to Our Government for exemption of their Tarwad from the operation of the provisions of Sections 43 and 45 together or from that of Section 43 alone.

(2) On receipt of such application, Our Government may cause an enquiry to be made by such authority, and in such manner, as may be prescribed, and if they are satisfied that a majority of the adult members of the Tarwad have signed the application with their free consent, such exemption shall be granted and a notification published in Our Government Gazettee with respect thereto in such form as may be prescribed.

Revocation of such exemption.

52. Upon an application by a majority of the adult members of a Kshatriya Tarwad for revocking the exemption granted under the preceding Section, Our Government shall cause an enquiry, by such authority, and in such manner, as may be prescribed, and shall, on their being satisfied that such majority have signed the application with their full consent, revoke the exemption prayed for by a notification in Our Government Gazettee in such from as may be prescribed in that behalf.

Rules.

53. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the foregoing power, such Rules may ;

(*a*) constitute the authority empowered to register marriages under Section 4, and record dissolutions thereof, and prescribe the forms of application and the procedura to be adopted, by the authority so constituted

(*b*) regulate the conditions to be satisfied, the fees to be paid, the forms of the certificates to be issued on, and such other matters necessary for, and incidental to, such registration.

(*c*) prescribe the fees to be paid for the transmission of copies of orders of dissolution under Section 10.

(*d*) prescribe the forms of the application for exemption under section 51, and the revocation thereof under Section 52, and the authority which should conduct the enquiries relating thereto, and the nature of, and the procedure to be followed in such enquiries on such applications, and the forms of the notifications in Our Gonernment Gazette relating to the grant of such exemption or the revocation thereof.

(3) The Rules made under this Regulation shall be published in Our Government Gazette and thereupon shall have the force of law.

A. VENKATARAMA AIYER,
Chairman,
Select Committee.

Supplement D.

R. O. C. No. 526/32/Legis.

The following Bill (of Mr. P. S. Mahomed) together with the Statement of Objects and Reasons is published as ordered by the Dewan, under Rule 29 of the Legislative Council Rules issued under date the 2nd October 1921.

Huzur Cutcherry, P. VISWANATHA AIYAR,

Trivandrum, 2nd June 1932. *Secretary to Government in charge.*

A BILL TO AMEND THE WILLS REGULATION VI OF 1074.

Whereas it is expendient to amend the Wills Regulation, VI of 1074, for the purpose hereinafter appearing; It is hereby enacted as follows: —

Short title 1. This Regulation may be called "The Travancore Wills (Amendment) Regulation 110 "

Repeal of Section 8. 2. Omit Section 8 as a whole.

STATEMENT OF OBJECTS AND REASONS.

Section 8 of the Travancore Wills Regulation, VI of 1074, deals with the testamentary power of Marumakkattayam Mahomedans. The Muslim Succession Bill which has been already reported to the Council by its Select Committee takes away the Marumakkattayam law of inheritance prevalent among certian sections of the Muslims relating to properties subject to testamentary powers. When the Muslim Succession Bill becomes law, there will be no Muslim who follows Marumakkattayam inheritance as the Mahomedan law of inheritance takes the place of Marumakkattayam law of inheritance in the Muslim Succession Bill. Therefore Section 8 in the Wills Regulation dealing with the testamentary power of the Muslims following Marumakkattayam law becomes meaningless. Further, the presence of it in the Wills Regulation may give rise to unnecessary litigations. The Select Committee members on the Muslim Succession Bill have anticipated this difficulty and made observations in the report for the necessity of repealing Section 8 of the Wills Regulation. By this Bill, I am only carrying out the wishes of the Select Committee on the Muslim Succession Bill.

Supplement E.

R. O. C. No. 785 of 32/Legis.

Leave has been granted at the meeting of the Legislative Council held on the 13th August 1932 for the introduction of the following Bill.

Huzur Cutcherry,
Trivandrum 22nd August 1932.

P. VISWANATHA AIYAR,
Secretary to the Legislative Council.

THE CUTCHI MEMONS BILL.

PREAMBLE.

Whereas it is expedient to make the Mahomedan Law applicable to the Cutchi Memons in matters of succession and inheritance; It is hereby enacted as follows:

CLAUSES.

1. This Regulation may be called the Cutchi Memons Regulation and it shall come into force immediately.

2. The Cutchi Memons, resident or domiciled in the State of Travancore, shall be governed by Mahomedan Law in all matters of succession and inheritance.

OBJECTS AND REASONS.

The Cutchi Memons are Muslims who follow the Islamic Law in everything except in succession and inheritance. By a long custom and practice they have been held to be governed by Hindu Law in matters of succession and inheritance.

The anomaly in the application of Hindu Law to the follows of Islam was greatly resented by the Cutchi Memons as a whole and as a result of their persistent agitation, Act XLVI of 1920 was passed in British India by which they are permitted to follow Mahomedan Law. The Courts in our State follow the decision of British Indian Courts in question of Mahomedan Law as well as Hindu Law, as we have no separate enactments for Mahomedan Law or for Hindu Law. Although in British India, the Cutchi Memons have been permitted to follow Mahomedan Law, the courts here have not recognised the new act passed in British India. They have held that the succession and inheritance of the Cutchi Memons are governed by the Hindu Law here.

Though the Cutchi Memons in the State as well as in Cochin, agitated for the change of Hindu Law into Mahomedan Law for them even long before 1920 they kept silence for some time when they said that Act XLVI of 1920 became law in British India. They thought a change of their law in British India will solve their difficulties here also. But when they said Act XLVI of 1920 will not affect their law

here, they began to agitate again. In Cochin the Chief Cutchi Memon centre, meetings were held and Committees were formed to request the Government to sanction a change in the law. A bill corresponding to this Bill has already been introduced into the Cochin Legislative Council and it is about to be passed. Here also the Cutchi Memons have expressed their desire to change the law for more than once. Sahib Bahadur S. Adam Sait as their spokesman brought the fact before the notice of the Government more than once in his presentations before the S. M. P. Assembly. All the Muslim Members during the period have supported him in this matter. All the self-respecting Cutchi Memons consider it a disgrace to follow a customary law while their brethren follow the code of Islamic Law. The community is anxious to have a change of this law into the Mahomedan law. This Bill is introduced to meet the desire of the Cutchi Memons on the subject.

Appendix I—A.

***Vide* Answer to Question No. 97.**

(*a*) Statement showing the number of Munsiffs, Second Judges and District Judges in the State existing on 15-8-1107.

1. District Judges 6
2. Second Judges 9
3. Munsiffs 40

Appendix I—B.

***Vide* Answer to Question No. 97.**

(*b*) Statement, by caste, of the Munsiffs, Second Judges, and District Judges and the number belonging to each caste.

	Brahmins.	Nairs.	Ezhavas.	Christian Jacobite.	Christians marthomites.	Christians Catholic.	Christians Anglican.	Christians Protestant.	Muslim.	Vellala.	Other Hindus.
District Judges .	1	2	1	...	...	1	...	...	..	..	1
Second Judge .	3	1	..	1	1	..	...	2	..	..	1
Munsiffs .	10	15	1	2	2	...	1	2	1	1	4

Appendix II—A

Vide Answer to Question No. 106.

Quilon Taluk

Assessment Class.	Wet lands. Assessment per para for single crop lands. Rs	Chs.	C.	Wet lands. Assessment per para for double crop lands. Rs.	Chs.	C.	Dry lands. Assessment Class.	Rate per acre. Rs.	Chs.	C.
IV	1	8	4	1	26	6	I	15	0	0
V	1	4	10	1	20	15	IV	10	0	0
VI	1	1	0	1	15	8	VI	7	0	0
VII	0	25	6	1	10	1	VII	6	0	0
VIII	0	21	12	1	4	10	VIII	5	0	0
IX	0	18	2	0	27	3	IX	4	0	0
X	0	14	8	0	21	12	X	3	0	0
XI	0	10	14	0	16	5	XI	2	0	0
XII	0	7	4	0	10	14	XII	1	2	0
XIII	0	3	10	0	5	7	XIII	1	0	0

Appendix II—B.

***Vide* Answer to Question No. 106**

Kottayam taluk.

Nature of Land.	Wet land rates. Assessment class.		Assessment per para of single crop land. Rs.	Ch.	C.
Ordinary & Cherikal.	I	...	1	22	12
	II	...	1	15	8
	III	...	1	11	14
	IV	...	1	8	4
	V	...	1	4	10
	VI	...	1	1	...
	VII	...	...	25	6
	VIII	...	...	21	12
	IX	...	...	18	2
	X	...	...	14	8
	XI	...	...	10	14
	XII	...	...	7	4
	XIII	...	...	3	10

N. B.—There are no double crop wet lands in the Kottayam Taluk.

Nature of Land.		Dry lands. Assessment class.		Rate per acre. Rs.	Ch.	C.
(*a*) Ordinary	...	I	...	15	..	...
		III	...	11	2	...
		IV	...	10	...	...
		V	...	8	2	...
		VI	...	7	...	...
		VII	...	6	...	...
		VIII	...	5	...	...
		IX	...	4	...	...
		X	...	3	...	...
		XI	...	2	...	...
		XII	...	1	2	...
		XIII	...	1	...	...
(*b*) Cherikal	...	II	...	6	..	...
		III	...	5	...	...
		IV	...	4	...	...
		V	...	3	...	...
		VI	...	2	...	...

N. B.—Assessment on wet lands is calculated at 7¼ chs. per para of paddy at the Settlement. Post Settlement registries of wet lands are made at the commutation rate of 11 chs. per para of paddy. The assessment for dry lands subsequent to the Settlement has been made subject to the rates given in the Puduval Rules

Supplement A.

A BILL TO AMEND THE TRAVANCORE JENMI AND KUDIYAN REGULATION OF 1071 (V OF 1071).

[*As settled by the Council.*]

Whereas it is expedient to amend the Travancore Jenmi and Kudiyan Regulation of 1071, Regulation V of 1071, for the purposes hereinafter appearing; It is hereby enacted as follows:—

I (*a*) This Regulation may be called "The Travancore Jenmi and Kudiyan (Amendment Regulation, 110".

(*b*) It shall come into force at once.

II. In Section 1 of the Travancore Jenmi and Kudiyan Regulation of 1071, Regulation V of 1071, hereinafter referred to as the said Regulation, the words and figures "Para 2 of Section 5 and" occurring in the proviso shall be omitted.

II. A. For Section 2 of the said Regulation, the following shall be substituted, namely :—

"2. No custom or customary right as between the jenmi and the kudiyan shall prevail unless provided for in this Regulation expressly or by necessary implication."

III. In Section 3 of the said Regulation—

(*a*) the words "periodical renewal of the right on" occurring in Clause (1) shall be omitted;

(*a*-1) In Section 3 (1) of the said Regulation number the existing Explanation as Explanation 1, and add the following as Explanation 2, namely;

"Explanation 2. For the purposes of this definition, the payment of jenmikaram shall be deemed to be the payment of michavaram or customary dues and the payment of renewal fees."

(*a*-2) In Section 3 (2) of the said Regulation, for the word "proprietory" the word "jenmom" shall be subsituted, and for the word "lands" where it occurs a second time, the word "right" shall be substituted.

(*b*) between the words " assessed" and "rent" occurring in Clause (9) the word "annual" shall be inserted:

(*c*) In Section 3 (10) of the said Regulation, the word "annual' shall be inserted before the word "residual" and the word "annually' occurring after the word "deliverable" shall be omittted;

(*d*) for clause (11), the following shall be substituted, namely .-
"(11) "Renewal fees," means such fees as Atukkuvatu, sakshi, Opputusi or the like agreed to be paid by the kudiyan to the jenmi periodically on occasions when the Kanapattom is renewable, and include the "fractional fee".

"and 'fractional fee' means the fee fixed as claimable (in subtitution of the renewal fees, in annual instalments at the rate of five per cent. of the aggregate value or amount of the renewal fees due on the expiry of twelve years, or in annual instalments proportionately lower in percentage when renewal on the expiry of any longer period is provided for by the kanapattom.

Explanation:—When a Kanapattom provides for Purushantra Polichezhuttu (renewal on the death of the jenmi or kudiyan, or for renewal when a temple may be renovated, or when the language of the instrument raises a reasonable doubt as to the length of the period on the expiry of which renewal is enforceable, it shall be deemed that renewal on the expiry of every thirty six years was intended and agreed upon by the parties."

(*e*) for Clause (12), the following shall be substituted, namely:—

"(12) 'Customary dues' means cesses or perquisites consisting of (i) Onakkazhcha, Panchaphalam, Utsavakoppu or the like due annually or periodically on specific dates, and (ii) Arukazhcha, Kalasavari or the like due at periodical intervals, which though specific, are not previously ascertainable whenever such cesses or prequisites are payable by the kudiyan to the jenmi in accordance with the terms of a Kanappattom ; and

'Commuted ces' means the commuted money value of customary dues, if any, ascertained as claimable by the jenmi every year after the commencement of the Amendment Regulation according to the calculation made in the manner specified hereunder ; that is to say:—

(i) when Kalasavari is claimable by a jenmi, it shall be assumed that he is entitled to five per cent. of one Kalasavari cess every year ;

(ii) when Arukazhcha is claimable by a jenmi, it shall be assumed that he is entitled to twelve per cent. of one Arukazhcha cess every year ;

(iii) when customary dues are claimable by a jenmi, the annual value of such shall be ascertained by calculation.

(iv) in valuing any customary dues payable in kind, the commutation price specified in the contract of Kanapattom or understood to be the one conformable to the local customary rate, whichever is the lower, shall be the guide ;

(v) the sum total of the value or amounts of the customary dues ascertained as annually payable to the jenmi in accordance with the calculation made under clauses (i) to (iv) shall be deemed to be the "commuted cess" in any given case" ; and

(*f*) In Section 8 of the said Regulation the following shall be substituted ; for clause (14), namely :—

"14. Jenmivaram in respect of a jenmom land or holding means the total of the amounts of the annual michavaram, the fractional fee and the commuted cess in respect thereof"

And after clause (14) so substituted, the following shall be aded in Section 8 of the said Regulation, namely :—

(15) Settlement pattom in respect of a jenmom land means the pattom fixed by Our Government for the Land Revenue purposes at a general Revenue Settlement and includes also the proportionate pattom chargeable on each portion of a land wherever the land is divided for any reason.

(16) Settlement pattamicham in respect of a jenmom land means its settlement pattom minus the tax due thereon to Our Government

Explanation :—Wherever the Settlement Pattom is fixed in kind, 'tax' means the tax in kind fixed with reference to the settlement Pattom although the tax may be payable to Our Government in money.

(17) Jenmikaram in respect of a jenmom land or holding means the amount payable in respect of that land or holding under the provisions of this Regulation by the kudiyan to the jenmi every year in lieu of all and every one of the jenmi's claims in respect of the land or holding such jenmikaram being fixed as follows:—

(*a*) so long as the last general Revenue Settlement remains in force the jenmivaram shall be the jenmikaram, and

(*b*) if the jenmikaram as under clause (*a*) is altered or revised at or after the next general Revenue Settlement under the provisions of this Regulation, such altered or revised jenmikaram shall be the jenmikaram.

Explanation 1.—Payment of or the liability to pay the jenmikaram is equivalent to paying or the liability to pay the michavaram, renewal fees and customary dues.

Explanation 2.—When any jenmom land or holding is divided for any reason the jenmivaram and the jenmikaram chargeable proportionately on each part shall respectively be the jenmivaram and the jenmikaram due on that part.

(18) 'Prescribed' means prescribed from time to time by Our Government by Notification in Our Government Gazette.

(19) 'The Amendment Regulation' means the Travancore Jenmi and Kudiyan (Amendment) Regulation, 110. "

"III. A. In Section 4 of the said Regulation, the word "his" occurring before the words "jenmom lands' shall be omitted."

IV. For Sections 5 to 14 of the said Regulation, the following Sections shall be substituted, namely :

"5. From and after the commencement of the Amendment Regulation, the jenmi shall not have any right, claim or interest in any land in a holding except the right to receive the jenmikaram thereon and the kudiyan shall be deemed to be the owner of the land subject only to the payment of the jenmikaram.

Explanation 1.—The jenmi's right as well as the kudiyan's right is heritable as well as transferable by sale, gift or otherwise,

Explanation 2.—Notwithstanding any usage or contract to the contrary, no kudiyan has the right to relinquish or apply for permission to relinquish his holding or any portion thereof and no jenmi has the right to evict or sue for the eviction of a kudiyan from his holding or any portion thereof. This prohibition shall also apply to all applications or suits pending on the date this Amendment Regulation comes into force if such applications were made or suit was instituted since 1st April 1930/19th Meenom 1105. Suits referred to herein shall include applications for execution of decrees specified in this paragraph and also all those passed before the 19th Meenom 1105.

Explanation 3. Notwithstanding any usage or contract to the contrary every kudiyan has the right to make any use of the land in his holding, to change its character either by converting wet land into garden land or by converting garden land into cultivable wet land or in any other manner, to cut down and appropriate any trees standing thereon, to alter the course of cultivation in respect thereof, and in short, to do or suffer any thing to be done on the land without reference to, or interference from, the jenmi.

Explanation 4. Notwithstanding any usage or contract to the contrary, every kudiyan has the right to make any improvement in respect of his holding without reference to, or interference from the jenmi and no kudiyan shall thereby become liable to pay any higher jenmikaram on account of any increase of production or any change in the nature of the crop raised in consequence of such improvement.

Explanation 5. The jenmi's right to the jenmikaram shall be deemed to be immovable property.

6. (1) If in a holding there are more parcels of land than one, each having settlement pattom assessed separately, the jenmikaram of the entire holding shall be ascertained in accordance with provisions of this Regulation and distributed in respect of each parcel of land in the proportion of the Settlement pattamicham bearing on such parcel of land.

(2) The jenmikaram so distributed in respect of each parcel of land shall be the jenmikaram due thereon.

7. If any jenmom land is divided for any reason, the jenmikaram on each portion of the land shall be fixed in the proportion of the Sirkar tax that will be fixed on such portion of land and the jenmikaram so fixed shall be the jenmikaram due thereon.

8. Notwithstanding any usage or contract to the contrary, it shall not be lawful hereafter to take into account in any case as renewal fees any amount exceeding thirty per cent. of the konam.

9. The jenmikaram of a holding together with the interest, if any, due thereon, when it becomes an arrear, shall be claimable by the jenmi and shall, subject to the priority of the rights of Our Government be a first charge on the holding.

10. No kudiyan shall, when without his consent, the jenmi's right in any jenmom land is transferred by sale, gift or otherwise be liable to the transferee for the jenmikaram which became due after the transfer and was paid to the jenmi whose right was so transferred unless the transferor or transferee has, before the payment, given notice of the transfer to the kudiyan by registered Anchal or Post.

11. When a jenmom land or holding is divided or is transferred by sale, gift or otherwise by the kudiyan without the consent of the jenmi, the kudiyan shall continue liable for the jenmikaram accruing due after such division or transfer unless and until notice by registered Anchal or Post of the division or transfer is given to the jenmi by any sharer or by the transferor or transferee, as the case may be, and until pokkuvaravu is effected in the Land Revenue records in accordance with the division or transfer.

Explanation.—This provision does not affect any liability of any sharer or transferee as between such person and other sharers or the transferor, as the case may be, to pay the jenmikaram."

12. No division of the jenmi's right in any jenmom land shall be binding on the kudiyan thereof, unless it is made with the consent of the kudiyan or notice thereof is given to the kudiyan by registered Anchal or Post informing him of the prescribed particulars of the division and the jenmikaram which may become due subsequent to such division made without such consent or notice may be paid to the jenmi entitled thereto before such division.

13. Notwithstanding any usage or contract to the contrary, it shall not be obligatory on the jenmi to renew, or on the kudiyan to accept the renewal of a contract of kanapattom.

14. (1) Notwithstanding any usage or contract of the contrary, the jenmikaarm of any land shall not be liable to alteration or revision at any time except after any future general Land Revenue Settlement by Our Government.

(2) Whenever Our Government make any general land revenue settlement in the future and the amount of the settlement pattamicham at that settlement and the amount of the then existing jenmikaram in respect of any jenmom land are found to differ, the jenmikarnm shall be liable to be enhanced or reduced as the case may be in the proportion that the settlement pattamicham bears to the jenmikaram:

Provided that in no case shall any jenmikaram be enhanced by more than ten per cent. thereof:

Provided also that in the case of the land revenue settlement next following that now in force no jenmikaram of any land shall be enhanced if with twelve years preceding the date of the commencement of the operations for such settlement there has been an enhancement of michavaram in respect of that land.

Explanation I. If there is no difference between the amount of the settlement pattamicham at any revenue settlement and

the amount of the then existing jenmikaram, that jenmikaram shall continue to be the jenmikaram during the currency of that settlement also.

Explanation 2.—When the settlement pattamicham or the existing jenmikaram or both consist of a paddy and money the paddy portion shall, for the purposes of comparison be commuted into money at the average commutation rate, the average being taken on the rates of the three years immediately preceding. This average rate is intended only for the purposes of comparison and when the jenmikaram has to be enhanced or reduced by any percentage the paddy portion and the money portion shall each be enhanced or reduced, as the case may be, by that percentage.

(3) From and after the 1st day of Chingom 1108 no enhancement or reduction of the jenmi's dues whether jenmikaram or michavaram shall be made otherwise than in accordance with the provisions of this Regulation; and even if a Court has decreed contrariwise on or after the said 1st day of Chingom 1108, the Court shall review that decision and pass a decision in accordance with the provisions of this Regulation on application being made for the purpose by any aggrieved party within six months of the passing of the Amendment Regulation.

Explanation.—Nothing in the Travancore Limitation Regulation (VI of 1100) or the Code of Civil Procedure, 1100, shall be deemed to bar such applications for review.

(4) The enhanced jenmikaram or the reduced jenmikaram due on a land, as the case may be, shall be payable from the 1st day of Chingom in the year next following that in which the Revenue Settlement comes into operation in respect of that land, and with effect from that day the enhanced jenmikaram or the reduced jenmikaram, as the case may be, shall be the jenmikaram due thereon."

V. In Chapter III of the said Regulation, for the heading of Part A, the following shall be substituted, namely:

"Part A—*Jenmikaram and its recovery*".

VI. For Section 15, sub-section (1), of the said Regulation, the following shall be substituted, namely:—

"15. (1) Every contract of Kanapattom made or renewed after the commencement of the Amendment Regulation shall, in addition to other particulars, specify:—

(*a*) the name, if any, the description and the extent of the holding, and

(*b*) the Settlement pattom, the Settlement pattamicham, the jenmivaram and the jenmikaram in respect of the land or each of the several parcels of land comprised in the holding."

VI A. In Section 15, sub-section (2), clause (*a*) of the said Regulation, for the words 'michavaram or other dues,' the words 'jenmikaram or any portion thereof' shall be substituted and for the word "are", substitute the word "is".

VII. For Sections 16 to 18 of the said Regulation, the following sections shall be substituted, namely :—

"16. No summary suit or claim for enforcing payment of any jenmikaram shall be entertained by the Courts under this Regulation unless either the jenmikaram or the renewal fees and customary dues, with reference to which the jenmikaram has to be ascertained, are specified in the kanapattom or its counterpart duly registered or in a decree of a Civil Court obtained in a regular suit between the jenmi and the kudiyan.

17. (1) Subject to the provisions of this Regulation every jenmi shall be entitled to receive and every kudiyan shall be bound to pay in respect of all land in the latter's holding the jenmikaram due thereon and notwithstanding any contract or usage to the contrary the jenmi shall not be entitled to receive and the kudiyan shall not be bound to pay anything else in respect of the land.

(2) The jenmikaram shall be payable in such instalments and on such dates as Our Government may, by rules made under this Regulation, prescribe, or in the absence of such rules, at or before the close of each Malabar year.

(3) The jenmikaram or any instalment of jenmikaram payable on any date if it is not paid on or before that date, shall become an arrear on the first day after that date.

(4) An arrear shall bear simple interest at the rate of nine per cent. per annum when it is payable in money or in paddy, and at the rate of six per cent. per annum if it is collected or recovered by Our Government under the provisions of Chapter IV.

(5) When according to the terms of any contract of kanapattom renewal fees are payable on the expiry of a specified period and part only of such period has expired before the commencement of the Amendment Regulation an amount which bears to the aggregate amount or value of such renewal fees the same proportion as the expired part of the period bears to the whole period specified in the contract shall be payable by the kudiyan to the jenmi without interest within three years from the commencement of the Amendment Regulation or with interest at six per cent. per annum thereafter within a further period of three years."

18. Where the jenmikaram or any portion of it consists of paddy, the kudiyan shall be entitled to pay in money the value of such paddy at the commutation rates fixed under the provisions of Section 46."

VIII. In Section 19 of the said Regulation, for the words "Michavaram or customary dues" the words "any jenmikaram" shall be substituted.

IX. Sections 20 to 26 of the said Regulation shall be omitted.

X. For the heading of part B of Chapter III of the said Regulation, the following shall be substituted, namely.—

"Part B. Summary recovery and Deposit of jenmikaram."

XI. In Part B of Chapter III of the said Regulation, before Section 27, the following Section shall be inserted, namely :—

"26 A. (1) It shall be competent to the Jenmi of any holding without prejudice to any other right of action that he may have, to make an application to the Tahsildar of the Taluk in which the holding is situated to recover the arrears of any Jenmikaram in respect of that holding :

Provided that the arrears are not more than one year old on the date of the application.

(2) The application shall be in such form and shall contain such particulars as may be prescribed by Our Government and shall be signed and verified by the Jenmi in the manner prescribed by the Code of Civil Procedure, 1100, for the signing and verification of plaints.

(3) The applicant shall from time to time pay to the Tahsildar such fees as may be prescribed by Our Government for the several processes that may be necessary for realising the arrears. The applicant shall be entitled to a refund of any portion of such fees that may remain unexpended at the termination of the proceedings.

(4) If the Tahsildar is satisfied that the application has been duly presented, that the arrears are due from the Kudiyan, that the applicant is entitled to recover them and that they are not more than one year old on the date of the application, he shall proceed to recover the amount of the arrears and interest and the fees paid under sub-section (3) by the applicant as if they were an arrear of public revenue due to Our Government and the provisions of the Revenue Recovery Regulation, I of 1068, (as amended by Regulations III of 1087 VIII of 1094, X of 1097 and II of 1099) shall, *mutatis mutandis*, apply to all the proceedings.

(5) (*a*) The amount that is recovered shall be paid by the Tahsildar to the applicant on taking a receipt from him in a form as near as may be to that contemplated by Section 19.

(*b*) A copy of the receipt with the attestation of the Tahsildar shall be given free or cost to the Kudiyan if he applies for it.

Explanation:—Nothing in this Section shall be deemed to bar the right of civil suit which any aggrieved party may have in law."

XII. For Section 27 of the said Regulation, the following Section shall be substituted namely —

"27 (*a*) When a janmi refuses to accept jenmikaram entered by the kudiyan, or

(*b*) when the kudiyan in any case is doubtful as to the person entitled to receive the jenmikaram,

the kudiyan may make an application to the Court of the District Munsiff having jurisdiction over the place where the holding or any part of it is situated for permission to deposit in such Court the entire amount of the jenmikaram due in respect of the holding till then together with the interest, due thereon under this Regulation."

XIII. In Section 28 of the said Regulation, for clause (*d*), the following shall be substituted, namely.—

"(*d*) the entire amount of the jenmikaram and the interest due thereon up to date and the value at the commutation rates of such portion of it as is in kind.

XIV. In Section 29 of the said Regulation,

(*a*) for the word "Michavaram" the word "jenmikaram" shall be substituted in both the places where it occurs, and

(*b*) Omit the words 'at market rates',

(*c*) Omit the words 'or other dues' occurring before the word 'specified' in Section 29 of the said Regulation,

(*d*) for the words 'or dues' occurring before the words 'being commuted' in the said Section 29, the words 'and the interest, if any due thereon' shall be substituted."

XV, For Sections 30 and 31 of the said Regulation, the following Sections shall be substituted, namely:--

"30. (1) When such application as is aforesaid is made the Court shall grant the permission applied for and accept the deposit unless it appears on an examination of the applicant that the application has been made without justifying grounds or unless he has failed to pay the fee, if any, chargeable for the issue of the notice hereinafter referred to.

(2) The applicant shall be entitled to a receipt from the Court accepting the deposit and the deposit shall be deemed to be a payment made by the kudiyan to the jenmi in respect of the jenmikarom or arrear due.

31. (1) The Court accepting the deposit shall give notice of the same to every person who is reasonably believed to claim or to be entitled to the deposit, and may, after hearing such of them as may appear in Court, pay the amount thereof or remit the same less the Hundi or Money Order commission by Anchal Hundi or Postal Money Order to any person appearing to the Court to be entitled to the same or may, if it thinks fit, retain the deposit pending the decision of a competent Civil Court as to the person so entitled.

(2) Nothing in this Section shall affect the right of any party to institute a regular suit in a competent Civil Court to contest the payment, remmittance or order made under sub-section (1) or. to recover the amount from the party, if any. to whom it has been paid or remitted under sub-section (1) but, so far as the kudiyan is concerned, the receipt granted under sub-section (2) of Section 30 shall be deemed a full acquittance in respect of the amount covered by the receipt and shall have the same force and effect as a receipt granted by the person rightfully entitled to receive the amount.

XVI. For the heading of Part C in Chapter III of the said Regulaion, the following shall be substituted, namely:—

"Part C—Of the jurisdiction of Courts over petty claims for Jenmikaram."

XVII. In Section 33 of the said Regulation, for the words "Michavaram, renewal fees or customary dues', the word "Jenmikaram" shall be substituted.

XVIII. In Section 39, sub-section (1), of the said Regulation, for the words "Michavaram or renewal fees or customary dues", the word "jenmikaram" shall be substituted.

XIX. In Section 40 of the said Regulation, for the figures, words and brackets "568 of the Civil Procedure Regulation (II of 1065)" the following shall be substituted, namely:—

"89 of the Code of Civil Procedure 1100."

XX. After Section 40 of the said Regulation the following Chapter shall be inserted, namely:—

CHAPTER IV.

COLLECTION AND PAYMENT OF JENMIKARAM BY GOVERNMENT.

Power of Government to assume collection of Jenmikarams.

40 A. It shall be lawful for Our Government to assume the Collection of jenmikarams for payment over to the jenmi concerned.

Explanation. Our Government shall assume the collection in respect of all the jenmam lands in the State at the same time although the proceedings towards such assumption may be made in respect of all the jemam lands in the State together or of such lands in any local arrear or in such other convenient groups as may be determined by Our Government.

Settlement of jenmikaram and Register of jenmikaram.

40 B. (1) For carrying out the purposes of the foregoing Section, Our Government shall as soon as may be, cause a Register of Janmikarams to be prepared, after settling the jenmikarams, showing in respect of each jenmam land the Survey Number and such other particulars of description as may be prescribed, the names of the jenmi and the kudiyan, the settlement pattamicham, the jenmivaram, the jenmikaram, the date and nature of the document, if any, on the basis of which the jenmikaram was fixed and such other particulars as may be prescribed.

(2) The Register may be prepared for the whole State or for each pakuthi or other local area or for such groups of lands as may be determined by Our Government.

Explanation: The "Register of Jenmikarams" shall for the purposes of this Regulation mean the Register in respect of the whole State or in respect of the pakuthi or other local area or the group concerned.

40 C. Our Government may appoint any person or persons that they may deem fit for the settlement of the jenmikaram and the preparation of the Register of jenmikaram and such person or persons (referred to hereinafter as the jenmikaram Settlement Officers) may, for such settlement and such preparation, make such investigation and follow such procedure as may be prescribed.

Jenmikaram Settlement Officer.

40 D. Not less than one month before the work of the settlement of jenmikarams and the preparation of the Register of Jenmikarams is proposed to be begun, Our Government shall publish in Our Government Gazette, and in such other manner if any, as may be prescribed a Notification giving notice of the appointment of the Jenmikaram Settlement Officer for the pakuthi, local area or group concerned and calling upon the jenmis and kudiyans and all persons interested to supply all necessary information and render all assistance in the matter.

Preliminary notification for Settlement of jenmikaram.

40 E. When the preparation of the Register of Jenmikarams has been completed in the prescribed manner in respect of the whole State and such Register has received the approval of Our Government, Our Government shall publish in Our Government Gazette, and in such other manner, if any, as may be prescribed, a notification notifying that, with effect from a specified date thereafter, which shall not be earlier than two months from the date of the notification, they have under Section 40 A assumed the collection of jenmikarams in respect of the whole State.

Final Notification notifying completion of Regisetr of Jenmikarams.

40. F. (1) The Jenmikaram in respect of the lands covered by the Register of Jenmikarams referred to in the foregoing Section and accruing due from and after the date specified in the notification published under that Section shall be paid to Our Government in such manner and at such times as may be prescribed and may in default of such payment be recovered under the provisions of the Revenue Recovery Regulation (Regulation I of 1068 as amended by Regulations III of 1087, VIII of 1094, X of 1097 and II of 1099) in the same manner as arrears of land revenue.

Jenmikarams to be paid to Government and recoverable as arrears of Land Revenue.

(2) No such jenmikaram shall be payable or be allowed to be paid in kind. Jenmikarams due in kind shall be paid at commutation rates fixed under the provisions of Section 46.

Jenmikaram to be paid in money only.

40 G. The jenmikarams collected by Our Government shall be paid to the jenmi concerned deducting thereform a fee, towards the charges incidental to collection and payment, of such amount as may be prescribed from time to time not exceeding in any case two and a half percentum of the amount collected for payment.

Jenmikarams to be paid to jenmi deducting cost of collection.

Explanation 1.—If interest on any jenmikaram is collected such interest also shall be paid over to the jenmi deducting the fee in respect of such interest also.

Explanation 2.—If any costs are recovered on account of any processes taken for the recovery of any jenmikaram such costs shall not be paid over to the jenmi.

Explanation 3.—Our Government shall be liable to pay only the jenmikaram and interest actually collected by them.

Jenmikaram to be paid only to Government.

40 H. Notwithstanding anything contained in the foregoing provisions of this Regulation no payment of any such jenmikaram as is referred to in Section 40 F, sub-section (1), made otherwise than in accordance with the provisions of that sub-section, shall be deemed to be a valid discharge of the liablity to pay such jenmikarams; and in repect of such jenmikarams it shall not be lawful for any jenmi to institute any suit under the provisions of Chapter III or for the jenmi or the kudiyan to make any application under the provisions of the same Chapter.

Jenmikarams must be collected according to Register of Jenmikarams

40 I. No collection or payment of jenmikaram shall be stayed by Our Government merely on the ground that any party has any objection to the entries in the Register of Jenmikarams or to the collection or payment in accordance with such entries:

Provided that any party aggrieved shall have the right to institute a suit in a Civil Court of competent jurisdiction to establish the right which he claims and Our Government shall abide by the final result of such suit and may, if necessary, correct the Register of Jenmikarams accordingly.

Revision of Register of Jenmikarams

40 J. (1) Our Government shall, at or after every future general Revenue Settlement, cause the Register of Jenmikarams to be revised. At such revision, Our Government may, if they deem fit, cause the particulars required to be entered in the Register of jenmikarams to be incorporated in the Register that is prepared in respect of the Land Revenue Settlement.

(2) When any such revision has to be made the procedure prescribed by Sections 40 B to 40 E shall be followed as far as may be; and when the revised Register is completed and notification made under Section 40 E, such revised Register shall be the Register of Jenmikarams and when the particulars required to be entered in the register of Jenmikarams are incorporated in the Register prepared in respect of any Land Revenue Settlement, such Register shall be deemed to be the Register of Jenmikarams for the purposes of this Regulation.

40 K. Any changes in respect of the particulars, entered in the Register of Jenmikarams, arising by reason of any circumstances such as the transfer of the right to receive Jenmikaram and the like, occurring after the publication of the notification under Section 40 E, may be caused to be recorded in such manner as may be prescribed, and such record shall be deemed, if so prescribed, as a part of the Register of Jenmikarams.

Subsequent changes re Jenmikaram, etc. may be recorded.

40 L. (1) No suit or other proceedings shall lie against Our Government or their officers for doing, or failing to do anything in connection with the settlement of jenmikaram or the preparation of the Register of Jenmikarams or for having collected or paid any jenmikaram in accordance with the Register of Jenmikarams.

When suits against Government will lie and when not.

(2) Nothing in sub-section (1) shall be deemed to prohibit any person aggrieved by any collection or payment from instituting any suit against any other person in a Civil Court of competent jurisdiction for establishing the right which he claims or for following any money in the hands of any person to whom it was paid or for recovering any money from any person who was bound to pay it; or to prohibit any suit against Our Government for the recovery of any moneys realised by them on account of any dues already collected by them.

40 M. (1) Our Government shall have power to make rules for carrying out the purposes of this Chapter.

Power to make Rules.

(2) Without prejudice to the generality of the power aforesaid, Our Government may make rules not inconsistent with the provisions of this Regulation;

(a) to provide for the Registers or other records or accounts to be kept for facilitating the collection and payment of jenmikarams and to determine which of these registers or records or accounts shall be deemed a part of the Register of Jenmikarams;

(b) to provide for the transfer of the right of the jenmi or the liability of the kudiyan by sale, gift partition, or otherwise being recognised and recorded and the procedure to be followed in recognising and recording such transfers;

(c) to provide for the grant of documents to the jenmi and the kudiyan evidencing the amount of the Jenmikaram and the manner and time of the payment of the same;

(d) to provide for the grant of receipts or vouchers for the payment made by a kudiyan, or the receipt by a jenmi of any jenmikaram;

(e) for authorising the jenmikaram Settlement Officers to exercise all or any of the powers exerciseable under the Departmental Enquiries Regulation, Regulation VI of 1073;

(*f*) for giving notice to the jenmis or the kudiyans or both when coercive steps are taken against jenmam lands for the recovery of the jenmikaram or the Sirkar tax and for determining the amount of the cost recoverable for the same and the party from whom it may be recovered ;

(*g*) to make provision for any incidental matters that may arise in the settlement of the Jenmikaram or the preparation of the Register of Jenmikarams pursuant to the provisions of this Regulation; and

(*h*) for any matter that has to be prescribed under the provisions of this Regulation.

40 N. No Jenmikaram shall be recoverable under the provisions of this Chapter by the sale of any land except the land on which the jenmikaram is a charge.

XX A. After Chapter IV (inserted by clause XX) and above Section 41 of the said Regulation, the following shall be inserted as a heading, namely;
"Chapter V—Miscellaneous."

XXI. In section 44 of the said Regulation, for the words the provisions of this Regulation shall not apply to the words 'no jenmikaram shall be recoverable by any jenmi or by Our Government from, shall, be substituted."

XXII. After Section 44 of the said Regulation, the following sections shall be added, namely:—

"45. When the jenmi and the kudiyan cannot agree as to the apportionment as between them of the compensation money awarded or awardable on the acquisition, under the Land Acquisition Regulation, of any land or portion of land comprised in any holding, the portion due to each shall be determined in accordance with the following rules:—

(*a*) So much of the compensation money as is due to any buildings shall belong entirely to the kudiyan ;

(*b*) The balance left after deducting the portion of compensation money referred to in rule (*a*) shall belong to the jenmi and the kudiyan in the proportion of the jenmikaram charged or chargeable on the land or portion of land and the average annual net produce of the land or portion of land, as the case may be ;

Provided that if the capitalised value of the jenmikaram is smaller than such share of the jenmi the capitalised value alone shall belong to the jenmi and all the rest shall belong to the kudiyan.

Explanbtion.—

1. The capitalised value of any jenmikaram means an amount equal to sixteen and two-third times the amount of the jenmikaram.

2. 'Net produce' means the surplus remaining after deducting from the gross produce of any land a portion equivalent in value to the cost of cultivation and the Sirkar tax and cesses, if any and the jenmikaram chargeable on such land and include the values of such surplus.

3. 'Average annual net produce' means the net produce ascertained as derivable on any average for one year, by calculation of the net produce for each year during a period of ten years immediately preceding the date of such ascertainment.

4. When a portion alone of a land is acquired the portion of jenmikaram chargeable on that land shall be ascertained as if the land had been divided and the jenmikaram of the portion of land acquired shall cease to be payable to the jenmi or to Our Government.

46. (1) Subject to the provisions of this Regulation, Our Government may from time to time fix the rates for the commutation into money of paddy or other commodities for the purposes of this Regulation and notify the same in Our Government Gazette and the rates so fixed shall be the rates for commutation for the purposes of this Regulation.

Explanation.—The rates may be uniform for the whole State or for all purposes or may vary.

(2) In fixing the rates, Our Government shall be guided by such rules as may be passed by Our Government after previous publication.

(3) Such rules shall *inter alia* provide for the appointment of a Committee to advise Government as to the rates to be fixed under this Section. The Committee shall consist of five members, two to represent the Jenmi interests, two to represent the Kudiyan interests and one, an official to be the Chairman, and shall follow such procedure as may be prescribed.

Explanation.—The Committee may be a single Committee for the whole State or there may be different Committees for different places.

47. (1) Notwithstanding anything contained in the First Schedule annexed to the Travancore Limitation Regulation, no suit for any arrear of jenmikaram or the interest due thereon shall be entertained by any Civil Court unless instituted within six years from the date of the jenmikaram becoming an arrear:

Provided, however, that suits for jenmikaram which are barred by reason alone of the above provision on the date of the commencement of the Amendment Regulation may be instituted within two years from that date.

(2) The Explanation to Article 119 of the First Schedule to the Travancore Limitation Regulation shall be deemed to stand repealed."

A. KUMARA PILLAI.

Secretary to the Legislative Council.

SUPPLEMENT B.

A BILL TO AMEND THE TRAVANCORE MUNICIPAL REGULATION, V OF 1095.

[*As settled by the Council.*]

Whereas it is expedient to amend the Travancore Municipal Regulation, V of 1095, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Regulation may be called the Travancore Municipal (Amendment) Regulation, 1108.

(2) It shall come into force at once.

Amendment of Section 3.

2. In Section 3 of the Travancore Municipal Regulation, V of 1095, (hereinafter referred to as the said Regulation) after clause (36), the following clause shall be added, namely :—

"(37) The 'Amendment Regulation' means the Travancore Municipal (Amendment) Regulation, 1108."

Amendment of Section 61.

3. In Section 61 of the said Regulation, for clause (7), the following, shall be substituted, namely :—

"(7) A yearly water and drainage tax on buildings or lands or both not exceeding ten per cent of the annual value of such building or land or both upon which the tax is imposed:

Provided that—

(i) such tax shall be levied only for the purpose of defraying the expenses connected with any water-supply and drainage system, and

(ii) the Municipal Council may, with the sanction of Our Government, exempt any local area from the whole or a proportion of the water and drainage tax on the ground that such areas are not deriving benefit from the water-supply or drainage system."

4. In the said Regulation for Chapter VIII, the following shall be subsituted, namely —

"CHAPTER VIII.

Water-supply.

Construction of water-works.

198. Our Government, or any Municipal Council with the sanction of Our Government may construct, lay or erect filtering tanks, reservoirs, engines, conduits-pipes, fountains or such other works within or without the Municipality for supplying it with water, for the use of the inhabitants.

199. (1) Our Government or the Municipal Council may provide a supply of drinking water within the Municipality and may erect stand-pipes, fountains or other conveniences for the gratuitous supply of water.

Provision of gratuitous supply of water.

(2) Any water-supply system constructed by and vesting in Our Government may, on such terms as may be settled by Our Government and the Municipal Council, be handed over to the Municipal Council for its being worked and so long as the arrangement lasts, the water-supply shall be deemed a Municipal water-supply.

(3) Notwithstanding anything contained in sub-section (2), is shall be lawful for Our Government to work the Government water-supply system through their own officers, and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government:

Provided that such amount shall not exceed the amount that the Municipality can rise by taxation under the provisions of Section 61 (7).

200. It shall not be lawful for any person except with permission duly obtained to enter on land vested in Our Government or the Municipal Council and used in connection with water-supply, and any person who enters without such permission shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

Trespass on water-supply premises.

201. (1) Without the permission of the Municipal Council no building, wall or other structure shall be newly erected and no street shall be constructed over any water mains:

Prohibition of buildings over water mains.

Provided that in the case of a Government water-supply system, the permission of such officer, as may be appointed in this behalf by Our Government, shall also be required before any such building, wall or other structure is newly erected, or any street constructed, over the water-mains.

(2) If, in contravention of the aforesaid provision, any building, wall or other structure be erected or any street constructed, the President may, with the approval of the Municipal Council, in the case of a Municipal water-supply, and with the approval of Our Government, in the case of the Government water-supply, cause the building, wall, structure or street, as the case may be, to be removed or otherwise dealt with, and the expenses thereby incurred shall be paid by the person offending.

202. All house connections with the water-supply mains, whether the connections be within or without the premises to which they belong, shall, subject to such rules as may be framed by Our Government from time to time, be under the control of the Municipal Council, but shall be altered, repaired and kept in proper order, at the expense of the

Control over house connections.

owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with bye-laws made in that behalf; and any owner who contravenes the provisions of this Section shall, on conviction, be punishable with fine which may extend to twenty-five rupees.

Private water supply for domestic consumption and use and the powers of the President to enforce provision of water-supply.

203. (1) The Municipal President may, on application by the owner or occupier of any building, arrange, in accordance with the rules and bye-laws, to supply water thereto for domestic consumption and use:

Provided that the President shall not without the sanction of the Municipal Council agree to supply water to any building assessed at an annual value of less than twenty-four rupees.

(2) Whenever it appears to the President that any dwelling-house assessed at an annual value of not less than ninety-six rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the President may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the rules and bye-laws; and any owner failing to comply with such requisition shall, on conviction, be punishable with fine which may extend to twenty five rupees.

(3) The cost of making the connection and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax.

(4) For all water supplied under this Section, in excess of a maximum determined by rules and bye-laws payment shall be made at such times and under such conditions as may be laid down in such rules and bye-laws and shall be recoverable in the same manner as the water and drainage tax.

Explanation. Supply of water for domestic consumption and use shall not be deemed to include a supply

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths, tanks in or near temples, churches and mosques or for any ornamental or mechanical purpose, and

(*e*) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire, but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths, and

(iii) for the consumption and use of inmates of hostels, boarding houses and residential clubs and for baths used by such inmates.

President's power to supply water for non-domestic purposes.

204. (1) The Municipal President may, subject to such rules as may be framed by Our Government from time to time and with the sanction of the Municipal Council, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and on such conditions as may be laid down by such rules as may be framed by Our Government from time to time.

Power to cut off water-supply.

205. (1) The Municipal President may cut off the supply of water from any premises—

(*a*) if the premises are unoccupied;

(*b*) if any water-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Regulation is not paid within thirty days after a bill for such tax or sum has been presented;

(*c*) if after receipt of a notice from the President requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any rule or bye-law made under this Regulation;

(*d*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;

(*e*) if the occupier refuses to admit the President into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or enquiry in connection with the water-supply, or prevents the President from doing such work, placing or removing such apparatus or making such examination or enquiry;

(*f*) if any pipes, taps, works, or fittings connected with the water-supply are found on examination by the President to be out of repair to such an extent as to cause waste or contamination of water; and

(*g*) if the owner or occupier causes pipes, taps, works or fittings connected with the water supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (*b*) of sub-section (1) as soon as any money for non-paymept of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the President shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the water works.

(4) No action taken under this Section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

205. A. The Municipal Council shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Non-liability of Council when supply is reduced or not made in certain cases.

205. B. For the purpose of providing or maintaining the water-supply or of making or maintaining communications or connections with the mains and generally for the purpose of this Chapter, Our Government and the Municipal Council shall have all the powers which are conferred upon the Council in respect of drainage and the supply of gas by Sections 128 to 132."

Power of Government and of Municipal Council in respect of making connections and communications with the water main.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

Supplement C.

THE TRAVANCORE TOWN-PLANNING BILL.

(As Settled by the Council.)

CONTENTS.

Preamble.

CHAPTER I.

PRELIMINARY.

Clauses.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

TOWN-PLANNING SCHEMES.

3. Matters that may be dealt with in scheme.
4. Reconstituted plots.

CHAPTER III.

MAKING VARIATION AND REVOCATION OF SCHEMES AND THEIR EFFECT.

5. Appointment of Director of town-planning.
6. A scheme to determine lines of improvement and development of towns.
7. Declaration of intention to make or adopt scheme.
8. Notification of resolution to make or adopt scheme.
9. Publication of draft scheme.
10. Power of Government to require council to make schemes.
11. Contents of draft scheme.
12. Sanctioning of scheme by Government.
13. Variation or revocation of scheme.
14. Compensation to persons affected by variation or revocation of scheme.
15. Permission to be taken for construction, etc., after publication of draft scheme.
16. Obligation on owners to comply with scheme after sanction.
17. Power of responsible authority to enforce scheme.

CHAPTER IV.

COMPENSATION FOR INJURIOUS AFFECTION AND CONTRIBUTION FOR BETTERMENT.

18. Right to compensation.
19. No right to compensation for building, etc., subsequent to first notification.
20. Exclution or limitation of compensation in certain cases.
21. Application for sanction for withdrawal or modification of the scheme.
22. Power to levy betterment contribution.
23. Betterment contribution how calculated.
24. Assessment and collection of betterment contribution.
25. Option of objecting owner to require Council to acquire his property.

CHAPTER V.

THE ARBITRATOR.

26. Government to appoint arbitrator.
27. Powers and duties of arbitrator.
28. Appeal against arbitrator's decision.

CHAPTER VI.

FINANCE.

29. Municipal town-planning fund.
30. Power to borrow.
31. Government grants or loans to town-planning fund.

CHAPTER VII.

LAND ACQUISITION.

32. Modification of Land Acquisition Regulation.
33. Notification under section 12 to have effect as declaration under section 6 of Land Acquisition Regulation.
34. Sections 14, 22 and 23 of the Land Acquisition Regulation superseded.

CHAPTER VIII.

MISCELLANEOUS.

35. Power of councils to make agreements.
36. Town-planning committee.
37. Joint town-planning committee.
38. Power of Government to arbitrate in disputes between local authorities.
39. Powers of control of Government.
40. Powers of entry, etc.
41. Power of Government to make rules.
42. Previous publication of the rules.
43. Penalty for breach of the provisions of the scheme.

CHAPTER IX.

TOWN-PLANNING TRUSTS.

44. Creation of town-planning trusts.
45. Constitution of trusts.
46. Chairman be given salary.
47. Removal of trustees.
48. Disabilities of trustees removed.
49. Application to trusts of this Regulation and their power to borrow.
50. Payment to trust by municipal councils.
51. Vesting in municipal council of streets laid out or altered and open spaces provided by the trust under a scheme.
52. Ultimate dissolution of trust and transfer of its assets and liabilities to municipal council.
53. Power to Government to make rules for trusts.

CHAPTER X.

TRANSFER OF PROCEEDINGS.

54. Transfer of proceedings from one authority to another.

THE TRAVANCORE TOWN-PLANNING BILL.

[*As settled by the Council.*]

Preamble.

Whereas it is expedient that the development of towns should be regulated to secure to their present and future inhabitants sanitary conditions, amenity and convenience; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called "The Travancore Town-planning Regulation."

(2) It shall extend to the whole of Travancore, and

(3) It shall come into force on.........

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "Chairman" means the "Commissioner of the Municipality" in the case of a Municipality having a Commissioner and the "President of the Municipal Council" in the case of other municipalities.

(2) "Council" means the municipal council of the area concerned.

(3) "Director" means the Director of Town-Planning appointed under the Regulation.

(4) "Municipality" means any local area declared as a municipality under the Travancore Municipal Regulation V of 1095 or any other law relating to the organisation and administration of municipalities for the time being in force.

(5) "Owner" includes the person for the time being receiving, or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purpose, the rents or profits of the property in connection with which the word is used.

(6) "Plot" means a continuous portion of land held in one ownership, other than land used, allotted or reserved for any public or municipal purpose.

(7) "Prescribed" means prescribed by rules made under this Regulation.

(8) "Reconstituted plot" means a plot which is in any way altered by the making of a town-planning scheme otherwise than by the severance of land used, allotted or reserved for any public or municipal purpose.

(9) "Responsible authority means the authority or person, who is specified in a scheme as responsible for carrying out or enforcing the observance of all or any of the provisions of the scheme or for enforcing the execution of any works which under the scheme are to be executed by any authority, owner or other person.

(10) "Scheme" means a town-planning scheme and includes a plan relating to a town-planning scheme.

(11) "Town-planning" includes town improvement.

CHAPTER II.

TOWN-PLANNING SCHEMES.

3. A town-planning scheme may provide for all or any of the following matters :—

Matters that may be dealt with in scheme.

(a) the laying out or re-laying out of land, either vacant or already built upon, as building sites or for any of the purposes mentioned in this Section;

(b) the construction, diversion, extension, alteration, improvement or closure of streets, roads and communications;

(c) the construction, alteration, removal or demolishing of buildings, bridges and other structures;

(d) the acquisition by purchase, exchange or otherwise of any land or other immovable property within the area included in the scheme whether required immediately or not;

(e) the redistribution of boundaries and the reconstitution of plots, belonging to owners of property comprised in the scheme;

(f) the disposal by sale, exchange, lease, or otherwise of land acquired or owned by the Council;

(g) transport facilities;

(h) water-supply;

(i) lighting;

(j) drainage inclusive of sewage and of surface draining and sewage disposal;

(k) the allotment or reservation of land for streets, road-squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals dispensaries, Government and Municipal buildings and public purposes of all kinds;

(l) construction of houses;

(m) the preservation of objects and buildings of archaeological or historical interest or of natural beauty or actually used for religious purposes or regarded by the public with special religious veneration;

(n) the imposition of conditions and restrictions in regard to the character, number, architectural features and height of buildings allowed in specified areas, and the purpose to which buildings or specified areas may or may not be appropriated; and the provision and maintenance of sufficient open space about buildings;

(o) the suspension, restriction, or modification so far as may be necessary for the proper carrying out of the scheme, of any provision in the Travancore Municipal Regulation V of 1095 or in any rule or byelaw made under the said Regulation and in force in the area included in the scheme;

(p) the advance to the owners of land or buildings comprised within the scheme, upon such terms and conditions as may be provided by the scheme, of the whole or part of the amount required for the erection of buildings or for the carrying out of the works, alterations or improvements in accordance with the scheme;

(q) such other matters not inconsistent with the object of this Regulation as may be prescribed.

4. (1) The size and shape of every reconstituted plot shall be so determined as to render it, so far as may be, suitable for building purposes.

Reconstituted plots.

(2) In order to render original plots more suitable for building purposes, the scheme may contain proposals—

(*a*) to form a reconstituted plot by the alteration of the boundaries of an original plot;

(*b*) to provide with the consent of the owners, that two or more original plots, each of which is held in ownership in severalty or in joint ownership, shall thereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

(*c*) to allot a plot with his consent to any owner dispossessed of land in furtherance of the scheme; and

(*d*) to transfer the ownership of a plot from one person to another with the consent of the latter.

CHAPTER III.

MAKING VARIATION AND REVOCATION OF SCHEMES AND THEIR EFFECT.

5. (1) Our Government may appoint a person to be Director of Town-planning for Travancore and may assign to him from time to time such establishment as they think fit.

Appointment of Director of Town-planning.

(2) The cost of such officer and his establishment shall be borne by Our Government.

(3) Municipal councils shall consult the Director on such matters relating to town-planning, and in such manner as may be prescribed. If any difference arises between the Director and a council on any matter so prescribed, it shall be referred to Our Government whose decision shall be final.

6. A town planning scheme shall determine the lines on which the improvement and development of the areas included in the scheme shall proceed and shall provide for such of the matters referred to in Section 3 and to such extent as may be prescribed.

A scheme to determine lines of improvement and development of town.

7. (1) A municipal council may, at any time, by resolution, decide to prepare a scheme in respect of any land, within the municipal area, or in its vicinity outside such area, or to adopt with or without modifications a draft scheme proposed by all or any of the owners of any such land. The chairman shall then have a plan prepared showing the land proposed to be included in the scheme, the surrounding lands and any existing streets.

Declaration of intention to make or adopt scheme.

(2) No town-planning scheme made or adopted by a municipal council shall include any area outside its limits without the sanction of Our Government.

(3) The decision of Our Government as to whether any land is in the vicinity of municipal area shall be final.

Notification of resolution to make or adopt scheme

8. The resolution under Section 7 shall be published by notification in the prescribed manner by the chairman and such notification shall state that a copy of the plan is kept for the inspection of the public at all reasonable hours at the municipal office.

Publication of draft scheme.

9. (1) If the resolution is to make a scheme, the municipal council shall, within twelve months from the date of the notification under Section 8 or within such further period, not exceeding twelve months, as Our Government may allow, and after consulting, in the prescribed manner, the owners of lands and buildings in the area affected prepare and publish a draft scheme.

(2) If the resolution is to adopt a draft scheme proposed by owners, the council shall, without delay, publish such scheme.

Power of Government to require council to make schemes.

10. Not withstanding anything contained in Section 7 to 9, Our Government may, in respect of any municipality, after making such inquiry as they may deam necessary, by notification in Our Government Gazette require the council to prepare, publish and submit for their sanction a draft scheme as respects any land in regard to which a town-planning scheme may be made.

Such requisition shall operate and be treated in every respect as a resolution passed by the council under Section 7 and the council shall proceed as if by resolution the council had decided to prepare the scheme.

Contents of draft scheme.

11. (1) Every draft scheme shall contain the following particulars :—

(*a*) a plan showing the lines of existing and proposed streets;

(*b*) the ownership of all lands and buildings in the area to which the scheme relates;

(*c*) the area of all such lands whether public or private;

(*d*) a full description of all details of the scheme under such clauses of Section 3 as may be applicable;

(*e*) an estimate of the cost of the scheme;

(*f*) regulations for enforcing or carrying out the provisions of the scheme; and defining the responsible authority and the period for which such responsible authority shall function; and

(*g*) any other particulars or plans that may be prescribed or specially required by Our Government.

(2) Every draft scheme which includes a housing scheme shall also contain the following particulars, namely :—

(i) the approximate number and the nature of the houses to be provided by the responsible authority;

(ii) the approximate extent of land to be acquired and the localities in which land is acquired;

(iii) the average number of houses per acre; and

(iv) all matters incidental to the housing scheme.

(3) A draft scheme may provide that any person who commits or knowingly permits a breach of any specified provision of the scheme, or who neglects or fails to comply with any such provision shall, on conviction, be punishable under Section 43.

Sanctioning of scheme by Government.

12. (1) If within sixty days from the date of the publication of a draft scheme any person affected by such scheme communicates in writing any objection or suggestion relating thereto, the council shall consider such objection or suggestion and may modify the scheme as it thinks fit.

(2) The scheme as passed or adopted by the council together with all written objections and suggestions shall thereupon be submitted to Our Government for sanction and the fact of such submission shall be published in the prescribed manner.

(3) Our Government may, after considering the objections and suggestions, if any, and making such inquiry as they think fit, sanction the scheme with or without modifications, or may refuse to sanction the scheme or may return the scheme to the council for reconsideration;

Provided that unless a modification is, in the opinion of Our Government, verbal or inconsequential, Our Government shall not sanction the scheme with such modification without the consent of the council:

Provided further that when a scheme is returned to the council for reconsideration, the council shall resubmit it to Our Government within six months from the date of its receipt and Our Government may then deal with the scheme in the manner mentioned in this sub-section:

Provided further that if the council fails to resubmit the scheme within the time specified in the foregoing proviso, Our Government may, in relation to the scheme, pass such ordes as they may deem fit.

(4) When a scheme returned for reconsideration is modified by the council, the scheme as so modified shall, before resubmission to Our Government for sanction, be published and passed by the council in the same manner as a draft scheme,

(*a*) in cases in which the modification involves the inclusion n or exclusion from the scheme of any land or the acquisition of any iland not originally proposed to be acquired, and

(*b*) in every other case in which the modification is, in the opinion of the council or of Our Government, of sufficient importance to require the following of this procedure.

(5) The sanction of Our Government to a scheme under sub-section (3) shall be published by notification in Our Government Gazette and in such other manner as may be prescribed and such notification shall state at what place and time the scheme will be open to the inspection of the public.

(6) A notification published under sub-section (5) shall be conclusive evidence that the scheme has been duly made and sanctioned. The scheme shall have effect from the date of publication of such notification, and the execution of the scheme shall be commenced forthwith :

Provided that, where the scheme so provides, the execution of the scheme or any part thereof may be deferred until such time as may be fixed in the scheme.

Variation or revocation of scheme.

13. (1) A town-planning scheme sanctioned under Section 12 may at any time be *revoked* or varied by a subsequent scheme, published and sanctioned in accordance with this Regulation.

Provided that the municipal council shall be competent to modify a scheme after it has been sanctioned by Our Government under Section 12 by an agreement entered into with the persons interested in the scheme and with the concurrence of Our Government.

(2) (*a*) Our Government may, at any time, by notification in Our Government Gazette, vary or revoke a scheme sanctioned under Section 12.

(*b*) Before issuing such notification Our Government shall publish in the prescribed manner a draft of such notification together with a notice mentioning the reasons for the proposed variation or revocation and specifying a date on or after which such draft will be taken into consideration and shall consider any objection or suggestion which may be received in respect of such draft from the council or any person interested in the scheme before the date so specified.

Compensation to persons affected by variation or revocation of scheme.

14. If at any time after the day on which a scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the municipal council in so far as, by reason of the variation or revocation of such scheme, such expenditure has ceased to be in any way beneficial to him.

Permission to be taken for construction, etc. after publication, of draft scheme.

15. After the publication of a notification under Section 8 or Section 10 no person shall erect, or proceed with, any building or work on, or enter into or carry out a contract in respect of, land within the area included in the scheme, unless he has applied for and obtained permission, in cases where a scheme has not been sanctioned, from the municipal council, and in other cases, from the responsible authority.

Provided that, if the council or the responsible authority omits for three months from the date of receipt of such application to communicate to the applicant any order thereon, it shall be deemed to have granted the permission.

Obligation on owners to comply with scheme after sanction.

16. From the date of the notification of Our Government sanctioning a scheme under Section 12, all owners of lands and buildings in the area affected by the scheme who propose to construct or reconstruct or in any way alter or add to buildings shall conform in every particular with the requirements of such scheme; and no building shall be constructed or re-constructed in any area in which building is expressly forbidden in the scheme, or which is reserved in the scheme for any purpose incompatible with building.

Power of responsible authority to enforce scheme.

17. (1) On and after the day on which the scheme comes into force, the responsible authority may make a provisional order requiring an owner—

(*a*) to remove, pull down or alter within a specified period any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) to execute within a specified period any work which it is the owner's duty to execute under the scheme, where the responsible authority is of opinion that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) The responsible authority shall serve a copy of the provisional order made under the sub-section (1) on the owner, together with a notice requiring him to show cause, within a reasonable time to be specified in such notice, why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the responsible authority, the responsible authority may confirm the order granting such further period, as it may deem fit, to execute the work and such order shall be communicated to and be binding on the owner and may be enforced. The expenses of enforcement may be recovered in the prescribed manner. An appeal shall lie to Our Government against the order of the responsible authority and their decision shall be final.

CHAPTER IV.

COMPENSATION FOR INJURIOUS AFFECTION AND CONTRIBUTION FOR BETTERMENT.

Right to compensation.

18. Any person whose property is injuriously affected by any refusal to grant the permission applied for under Section 15 or by the making of a town-planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date of publication of a notification by Our Government sanctioning the scheme under Section 12, be entitled to obtain compensation in respect thereof from the municipal council.

19. A person shall not be entitled to obtain compensation under Section 18 on account of any building erected on, or contract made, or other thing done, with respect to land included in a scheme after the date of the publication of the notification under Section 8 or Section 10.

No right to compensation for building, etc., subsequent to first notification.

Provided that this provision shall not apply to any building erected contract made or other thing done in accordance with a permission granted under Section 15.

20. (1) Where a property is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme, no compensation shall be paid in respect thereof, if or in so far as the provisions are such as would have been enforceable without compensation under any law, rule or bye law at the time in force.

Exclusion or limitation of compensation in certain cases

(2) Property shall not be deemed to be injuriously affected by reason of any provisions inserted in a scheme, which impose any conditions or restrictions in regard to any of the matters specified in Section 3, clause (*m*) or clause (*n*).

(3) Were a person is entitled to compensation under this Regulation in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other Regulation, he shall not be entitled to compensation in respect of that matter or thing under both the Regulations, nor shall he be entitled to any larger compensation under this Regulation than he would be entitled to under the other Regulation.

21. (1) The municipal council may, within three months from the date of an award of compensation in respect of property injuriously affected, make an application to Our Government to sanction the withdrawal or modification of all or any of the provisions of the scheme which gave rise to the claim for compensation and give notice of such application to the owner of such property.

Application for sanction for withdrawal or modification of the scheme.

(2) If Our Government accord such sanction, the award of compensation shall stand cancelled, and the municipal council shall pay the costs, if any, awarded by the arbitrator in connection with the claim for compensation.

'(3) Nothing contained in this Section shall affect the right of the owner to make a fresh claim for compensation in respect of the modified scheme sanctioned by Our Government under sub-section (2)

(4) No award of compensation in respect of property injuriously affected shall be enforceable within three months from the date thereof, or, if notice has been given under sub-section (1) pending the orders of Our Government on the application made under the same sub-section.

22. Where by the making of any town-planning scheme the value of any property has increased or is likely to increase the municipal council, if it makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three moths after the date of publication of a notification of Our Government sanctioning a scheme under Section 12, shall be entitled to recover from the owner of such property an annual betterment contribution for such term of years and at such uniform percentage of the increase in value not exceeding ten per centum as may be fixed in the scheme;

Power to levy betterment contribution.

Provided that the aggregate amount of the contributions so recovered shall not exceed one-half of the maximum increase in value during the aforesaid term of years as ascertained under the next following Section.

Betterment contribution how calculated.

23. The betterment contribution shall be levied according to the following principles :—

(a) In respect of each property on which the contribution may be levied under Section 22 its market value at the date of the publication of the notification under Section 8 or Section 10 shall be estimated without reference to the improvements contemplated in the scheme;

(b) In each of the financial years following that in which the scheme takes effect under Section 12, sub-section (6), the market value of each such property on the first day of Chingom of that year shall be estimated by the chairman.

(c) If, in any financial year, the market value estimated under clause (b) does not exceed that estimated under clouse (a), no betterment contribution shall be levied for that year.

(d) If, in any financial year, the estimated market value under clause (b) exceeds that under clause (a), the municipal council shall levy on the difference a betterment contribution according to the percentage fixed in the scheme:

Provided that in estimating the market value of land under clause (a) or clause (b) the value of buildings or other works erected or in the course of erection on such land shall not be taken into consideration.

24. (1) The betterment contribution shall be a first charge on the property on which it is due, subject to the prior payment of land revenue, if any, due to Our Government thereon, and shall be paid in half-yearly instalments of one-half of the amount fixed for the year.

Assessment and collection of betterment contribution.

(2) (a) Our Government may make rules for the assessment and collection of the betterment contribution and subject to such rules, (i) the chairman shall have the same powers and shall adopt the same procedure for the assessment and collection of the betterment contribution as he has for the assessment and collection of the house tax or property tax, (ii) persons affected shall have the same right to receive

notice of the assessment and to object to the assessment and to appeal in respect thereof as they have in respect of the building or land tax or property tax as the case may be and (iii) decisions on appeal shall to the same extent be final and conclusive: and

(b) lands and buildings exempt from the building as land tax or property tax as the case may be shall also be exempt from any betterment contribution.

Option of subjecting owner to require council to acquire his property.

25. (i) If the owner of any property, separately registered in the municipal assessment books and assessed to a betterment contribution in any particular year, object to the amount of such contribution on the ground that the market value estimated under clause (b) of Section 23 is excessive, he shall state the market value which he contends, is correct, and may within thirty days of the date on which the determination of his objection or appeal becomes final, by written notice, require the municipal council to acquire the property together with any buildings or other works that may exist thereon.

(2) The council shall thereupon either acquire the property or accept the market value as stated by the owner and revise its assessment of the betterment contribution in accordance therewith.

(3) In case the council elects to acquire the property, the compensation payable therefor shall be determined according to the provisions of the Land Acquisition Regulation, XI of 1089 as modified by Chapter VII of this Regulation:

Provided that the compensation payable for the property, apart from the buildings or other works thereon, shall not exceed the market value stated by the owner under subsection (1).

CHAPTER V.

The Arbitrator.

Government to appointment arbitrator.

56. (i) After a scheme has been sanctioned Our Government may and if so required by the council or any person interested in the scheme shall, appoint an arbitrator with sufficient establishment to discharge all or any of the following duties:—

(a) to pass such orders as may be required under clauses (a) to (d) of sub-section (2) of Section 4:

(b) to define, and, where necessary, to demarcate, or cause the demarcation of, the reconstituted plots or the areas alloted to, or reserved for, the purposes mentioned in clause (k) of Section 3;

(c) to decide, in reference to the claims made, whether any property is injuriously affected within the meaning of Section 18 and award the compensation, if any, to be paid to the owner concerned in accordance with the provisions contained in Chapter IV; and

(*d*) to determine, in reference to the claims made, the properties which are liable to the betterment contribution under Section 22 and estimate and record their market value at the date of the notification under Section 8 or Section 10 as the case may be, in accordance with the provisions of clause (*a*) of Section 23.

(2) The decisions of the arbitrator under clauses (*a*) and (*b*) of sub-section (1) shall be read as part of the scheme sanctioned under Section 12 and shall be final and binding on all persons:

Provided that where any such decision is in conflict with any provision in the scheme it shall require the approval of Our Government and, on such approval being given, shall be deemed, to the extent mentioned in such decision, to have varied the sanctionel scheme.

Powers and duties of arbitrator.

27. (1) The arbitrator shall give notice of his proceedings and conduct them in the prescribed mannar and communicate his decision to the parties concerned.

(2) An arbitrator shall have all the powers of a Civil Court under the Code of Civil Procedure, 1100, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

(3) The costs of and incident to all proceedings before the arbitrator shall be in his discretion and the arbitrator shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose aforesaid.

Appeal against arbitrator's decision.

28. (1) Any party aggrieved by any decision of the arbitrator under clause (*c*) or clause (*d*) of sub-section (1) of Section 26 may within three months from the date of the communication or such decision appeal to the High Court.

(2) The decision of the arbitrator under clause (*c*) or clause (*d*) of sub-section (1) of Section 26 and, when an appeal has been preferred under sub-section (1), the decision on such appeal shall be read as part of the scheme sanctioned under Section 12 and shall be final and binding on all persons.

CHAPTER VI.

FINANCE.

Municipal town-planning Fund

29. (1) The receipts of a municipol council under this Regulation or any town-planning scheme made thereunder shall from a separate town-planning fund and all expenditure under this Regulation or any town-planning scheme thereunder shall be defrayed out of such fund. No portion of the fund shall, except with the sanction of Our Government, be expended for purposes not provided for by this Regulation.

(2) The moneys required, in the first instance, to establish such fund, and any deficiency from time to time occurring in such fund by

reason of the excess of expenditure over receipts shall, subject to such rules as Our Government may frame in this behalf, be supplied out of the general municipal fund or out of moneys borrowed in pursuance of this Regulation.

(3) Separate accounts shall be maintained by each municipal council for its town-planning fund.

Power to borrow

30. A municipal council taking action under this Regulation shall be deemed to have the same powers and be subject to the same laws and rules for the purpose of borrowing money as it has and is subject to for general municipal purposes, and the making and execution of a town-planning scheme shall be deemed a municipal purpose for which money may lawfully be borrowed.

Government grants or loans to town-planning fund.

31. Our Government may, subject to such terms and conditions as may be prescribed, give loans or grants to any municipal council towards its town-planning fund.

CHAPTER VII.

Land Acquisition.

Modification of Land Acquisition Regulation.

32. Immovable property required for the purposes of town-planning scheme shall be deemed to be land needed for a purpose within the meaning of the Land Acquisition Regulation, XI of 1089, and may be acquired under the said Regulation modified in the manner provided in this Chapter.

Notification under Section 12 to have effect as declaration under Section 6 of the Land Acquisition Regulation.

33. Notwithstanding anything in the Land Acquisition Regulation XI of 1089, a notification under Section 12 shall operate in respect of any land required for the purposes of the scheme as a declaration under Section 6 of the said Regulation and no further declaration shall be necessary, but it shall not be incumbent on our Government or officer authorised in that behalf, to take immediate steps for the acquisition of such land. Provided that if the land is not acquired within three years from the date of the notification, it shall cease to have effect as a declaration under Section 6 of the Land Acquisition Regulation X,I of 1089.

Sections 14, 22 and 23 of the Land Acquisition Regulation superseded.

34. (1) The provisions of Sections 14, 22 and 23 of the Land Acquisition Regulation, XI of 1089, shall have no application in the acquisition of property or the purposes of this Regulation.

(2) In determining the amount of compensation to be awarded for land acquired under the said Regulation for such purposes the Division Peishkar and the court shall take into consideration :

(*a*) the market value of the land at the date of publication of the notification under Section 8 or Section 10 as the case may be ;

(*b*) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time of the Division Peishkar's taking possession thereof;

(*c*) the damage (if any) sustained by the person interested, at the time of the Division Peishkars taking possession of the land, by reason of severing such land from his other land or by reason of the acquisition injuriously affecting his other property moveable or immovable in any other manner, or his earnings; provided that this clause shall not apply in the case of offensive industries, which must, under the provisions of the scheme, be removed;

(*d*) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; provided that this clause shall not apply in the case of offensive industries, which must, under the provisions of the scheme, be removed.

(3) But the Division Peishkar and the court shall not take into consideration: —

(*a*) the degree of urgency which has led to the acquisition or its compulsory character;

(*b*) any disinclination of the person interested to part with the land acquired;

(*c*) any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit;

(*d*) any damage which is likely to be caused to the land acquired after the date of publication of the notification under Section 8 or Section 10 as the case may be, by or in consequence of the use to which it will be put:

(*e*) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

(*f*) any outlay or improvements on the land acquired commenced, made or affected after the date of publication of the notifications referred to in clause (*d*), unless they are covered by a permission obtained under Section 15;

(*g*) any outlay or improvements on, or disposal of, the land acquired which, having regard to the time at which they were made and other circumstances appear to have been commenced made or effected with intent to obtain increased compensation;

(*h*) the special suitability or adaptability, if any, of the land for any purpose, if that purpose is one to which it could be applied only in pursuance of statutory powers or for which there is no market apart from the special needs of a particular purchaser or the requirements of a Government department or any local authority.

(4) If the market value of any land or building is specially high by reason of the use thereof in a manner which could be restrained by any court, or is contrary to law or public policy or is detrimental to the health of the inmates of the building or to the public health, the amount of the increased value due to such user shall be disregarded in determining the amount of compensation.

CHAPTER VIII.

MISCELLANEOUS.

Power of councils to make agreements.

35. A municipal council shall be competent to make an agreement with any person in respect of any matter which is to be provided for in a town-planning scheme, subject to the power of Our Government to modify or disallow such agreement, and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the scheme comes into force :

Provided that if the agreement be modified by our Government, either party shall have the option of avoiding it if he so elects within the prescribed period.

Town planning Committee.

36. Subject to such rules as Our Government may make in this behalf, a municipal council may appoint a special town-planning committee composed either wholly of members of the municipal council, or partly of such members and partly of others, and may delegate to such committee power to dispose of, in relation to a particular scheme or to town-planning in general, matters of a specified nature which, under the provisions of this Regulation, are reserved for the decision of the council;

Provided that no person, other than a member of the council, shall be appointed to such committee unless such appointment is supported by not less than one-half of the sanctioned strength of the council :

Provided also that the number of persons who are appointed to any committee who are not members of the council shall not exceed one-third of the number of members of such committee.

Joint town-planning Committee.

37. (1) Subject to such rules as Our Government may make in this behalf, a municipal council may, and if so required by Our Government shall, join with one or more than one other local authority in constituting a joint town-planning committee for the making of a joint town-planning scheme or for any purpose connected with town-planning in which they are jointly interested or for which they are jointly responsible.

(2) A joint town-planning committee may include persons who are not members of the local authorities concerned but who possess in their opinion special qualifications or represent institutions or corporations interested in the work of the committee :

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) (i) Our Government may make rules to carry out the purposes of sub-section (1).

(ii) In particular and without prejudice to the generality of the foregoing power Our Government may make rules to provide for—

(a) the total number of members of the joint committee.

(b) the number of such members who shall be members of the local authorities concerned and the number of such members who may be outsiders;

(c) the qualifications of persons who shall be members of the joint committee or the manner in which they shall be appointed or elected;

(d) the qualifications of the person who shall be the chairman of the joint committee or the manner in which he shall be elected or appointed;

(e) the term of office of members and chairman;

(f) the manner in which the committee shall be put in funds and shall account therefor; and

(g) the procedure of the committee.

(4) Rules made under sub-section (1) or (3) may be varied or revoked provided all the local authorities concerned assent to such variation or revocation.

(5) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to Our Government whose decision shall be final.

(6) If Our Government take action under sub-section (1) they may issue such directions as they may think necessary or desirable in respect of all or any of the matters referred to in sub-section (3).

(7) When a joint town-planning committee has been constituted such committee shall exercise the powers and perform the duties of the municipal council, and its chairman the powers and duties of a chairman under this Regulation.

(8) Any joint town-planning scheme made by a joint committee may provide for the execution of the scheme or any part thereof jointly by all or two or more of the local authorities concerned or specify the parts of the scheme to be executed at the expense of the several local authorities in their respective areas and the said specified parts of the scheme shall after the publication of the notification under Section 12 have effect in the areas to which they relate as separate schemes.

Power of Government to arbitrate in disputes between local authorities.

38. Any dispute between any two local authorities in regard to any matters arising under any of the provisions of this Regulation shall, in case of their failure to settle it amicably between themselves be referred for adjudication to Our Government whose decision shall be final.

Powers of control of Government.

39. (1) If Our Government are satisfied, after giving the municipal council an opportunity of explanation, and considering any other representations that may be made to them, that a municipal council—

(a) has failed to take the requisite steps for having a satisfactory town-planning scheme prepared and sanctioned in a case where a town-planning scheme ought to be made, or

(b) has failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted, or

(c) has unreasonably refused to consent to any modifications or conditions imposed by Our Government.

Our Government may, as the case may require, order the municipal council to prepare and submit for the approval of Our Government such a town-planning scheme or to adpot the scheme, or to consent to the modifications or conditions so inserted :

Provided that, where the municipal council has failed to adopt a scheme, Our Government, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as Our Government think fit, and thereupon the scheme shall have effect as if it had been adpoted by the municipal council and sanctioned by Our Government.

(2) If Our Government are satisfied, after giving the municipal council or the responsible authority as the case may be an opportunity of explanation, that a municipal council or a responsible authority, has failed to enforce effectively the observance of a scheme which has been finally sanctioned, or any provisions thereof, or to execute any works which under the scheme or this Regulation the council or the responsible authority is required to execute, Our Government may order the council or the responsible authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works, which, under the scheme or this Regulation, the council or the responsible authority is required to execute.

(3) For the purposes of this Section Our Government shall have the same powers of calling for records, of causing inspection to be made, and of enforcing their orders or appointing persons to enforce them as they have under the enactment relating to municipalities for the time being in force.

Powers of entry, etc.

40 For the purpose of the making or execution of any town-planning scheme, the municipal authorities or the responsible authority or persons appointed by Our Government under Section 39, Sub-section (3), their subordinates and contractors shall have the same power to enter upon, survey and set up marks on property and to do all acts necessary for such purposes ; subject to the same conditions and restrictions, as they have for other municipal purposes under the enactment relating to the municipalities for time being in force, and persons interfering with the exercise of such powers by the municipal authorities or the responsible authority or persons appointed by Our Government, their officers, servants or contractors, shall be liable to the same penalties.

41. (1) Our Government may make rules consistent with this Regulation, either generally or for any particular area, to carry out all the purposes of this Regulation and such rules may be incorporated in any scheme by a reference thereto in the scheme, subject to any modifications that may be set out in the scheme.

Powers of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, Our Government shall have power to make rules in respect of the following matters :—

(*a*) the manner of publication of the notifications under Section 8 and of the draft scheme under Section 9 ;

(*b*) the further particulars or plans for inclusion in schemes under Section 3 clause (*g*) and Section 11, sub-section (1), clause (*g*) ;

(*c*) the scale of all plans made under this Regulation, the particulars to be shown in them, the manner in which such particulars shall be shown, the colouring of such plans and all such matters :

(*d*) what streets or roads and improvements thereto provided in a town-planning scheme shall be made or carried out at the expense of the municipal council, the owners of the property or both ;

(*e*) the kinds of expenditure connected with town-planning which shall be met out of current revenues and those that shall be met out of loans or other capital receipts ;

(*f*) what receipts shall be credited to the town-planning fund referred to in Section 29 and what expenditure shall be debited to it ;

(*g*) the powers that may be delegated to the committees constituted under Section 36 ;

(*h*) the manner in which all documents and plans prepared under this Regulation shall be made accessible to the public ;

(*i*) the procedure to be adopted for securing co-operation on the part of the municipal authorities with the owners or persons interested in the property proposed to be comprised in a town-planning scheme by such means as may be expedient, the summoning, presidency and procedure of such conferences and all such matters ;

(*j*) the procedure to be observed by the municipal council and responsible authority, in cases where owners commit default, or delay the carrying out of works or improvements, and for recovering the cost from the owners liable therefor ;

(*k*) the securing of reasonable speed in the preparation or adoption of schemes by municipal council and the procedure to be followed for enabling Our Government to act in the case of default or dilatoriness on the part of the municipal council or the responsible authority in making, adopting or executing a scheme and to recover from such council the expenses, of such action ;

(*l*) the calculation assessment and collection of the betterment contribution

(*m*) the reguaation, of the procedure before the arbitrator ;

(*n*) the deleglition of powers to, and the duties that shall be discharged by, the Director, and the matters on which and the manner in which he shall be consulted by municipal councils and responsible authorities ;

(o) the accounts that each municipal council shall keep for its town-planning fund, and their audit;

(p) inquiries and reports as to the beginning and the progress and completion of works and other action under any scheme;

(q) sanitary principles and building regulations to be observed in drawing up schemes;

(r) the funds which shall be transferred by the municipal council to the responsible authority, the administration of such funds, the accounts to be kept in respect thereof and their audit;

(s) matters other than those referred to in the foregoing clauses which are expressly required or allowed by this Regulation to be prescribed.

(3) In making any rule, Our Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

Previous publication of the rules.

42. The power to make rules under this Regulation shall be subject to the condition of previous publication.

Penalty for breach of the provisions of the scheme.

43. (1) Where a scheme sanctioned under this Regulation has provided that any person who commits or knowingly permits a breach of any specified provision of the scheme or who neglects or fails to comply with any such provision shall be punishable under this Section, the responsible authority shall send to any person who commits or knowingly permits a breach of any such provision of the scheme or neglects or fails to comply with any such provision, a notice calling on him to discontinue the breach or cause it to be discontinued or to comply with such provision of the scheme.

(2) If after the expiry of one month from the date of receipt of the notice by such person under sub-section (1) the breach or neglect or failure continues, such person shall, on conviction, be punishable.

(i) with fine which may extend to one hundred rupees, and

(ii) if the breach, neglect or failure continues after such conviction, with fine which may extend to fifteen rupees for every day during which the breach, neglect or, failure continues after such conviction.

CHAPTER IX.

Town-Planning Trusts.

Creation of town-planning Trusts.

44. (1) When Our Government, after consulting the municipal council, decide that the interests of town-planning in any particular area will be best served by entrusting it to a special board, they may, by notification in Our Government Gazette, constitute such board, to be called "The (name of town or other area) Town-Planning Trust" hereinafter referred to as "the trust"; and thereupon the duty of carrying out the provisions of this Regulation in such local area shall, subject to the conditions and limitations hereinafter contained, be vested in the trust.

(2) The trust shall be a body corporate and have perpetual succession and a common seal and shall by the aforesaid name sue and be sued.

Constitution of trusts.

45. (1) The trust shall consist of—

(*a*) a chairman appointed by Our Government;

(*b*) persons elected by the members of the municipal council or of other local authorities or both; and

(*c*) persons appointed by Our Government either by name or by virtue of their office.

(2) The trust may also include representatives of transport companies, chambers of commerce, co-operative societies and similar bodies or associations, either elected or nominated by them.

(3) Our Government shall fix the strength of the trust, the numbea of trustees to be elected under clause (*b*) of sub-section (1), the local authorities by whom they shall be elected, the number of trustees to be appointed by Our Government under clause (*c*) of sub-section (1) and the number of trustees to be elected or nominated under sub-section (2) and the bodies or associations by whom they shall be elected or nominated : Provided that the number of trustees appointed by Our Government shall not exceed one-third of the sanctioned strength.

(4) Each trustee shall hold office for five years.

Chairman may be given salary.

46. The chairman of the trust may receive such salary or remuneration as may be sanctioned by Our Government. No other trustee shall receive any salary or other remuneration from the funds of the trust.

Removal of trustees.

47. (1) Our Government may remove from the trust any trustee, other than an ex-officio trustee, who—

(*a*) refuses to act, or becoms incapable of acting, or absents himself for more than three consecutive months from the meetings of the trust or of any committee of which he is a member and is unable to explain such absence to the satisfaction of the trust, or

(*b*) is an undischarged insolvent or has compounded with his creditors, or

(*c*) has been convicted of any offence by a criminal court or has been ordered to find security for good behaviour under the Criminal Procedure Code, such conviction or order implying in the opinion of Our Government moral turpitude on the part of the person so convicted or ordered and not having been subsequently reversed or the offender pardoned, or

(*d*) has knowingly acquired or continued to hold, without the permission in writing of Our Government, directly or indirectly or by a partner, any share or interest in any contract or employment, with, by, or on behalf of the trust, or

(*e*) has knowingly acted as a trustee in a matter other than a matter referred to in clause (iv) or clause (v) of the proviso to this subsection in which he or a partner had directly or indirectly, a personal

interest, or in which he was professionally interested on behalf of a client, principal or other person, or

(*f*) being a legal practitioner in any suit or other proceedings, acts or appears on behalf of any other person against the trust or acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of the trust :

Provided that a person shall not be deemed for the purpose of sub-section (1) to acquire or continue to have, any share or interest in a contract or employment by reason only of his—

(i) having a share or interest in any lease, sale or purchase of land or buildings, or in any agreement for the same, provided that such share or interest was acquired before he became a trustee, or

(ii) having a share in a joint-stock company which shall contract with, or be employed by, or on behalf of, the trust, or

(iii) having a share or interest in a newspaper in which an advertisement relating to the affairs of the trust is inserted, or

(iv) holding a debenture or otherwise being interested in a loan raised by, or on behalf of, the trust, or

(v) being retained by the trust as a legal practitioner, or

(vi) having a share or interest in the occasional sale of an article, in which he regularly trades, to the trust to a value not exceeding, in any one year, such amount as the trust, with the sanction of Our Government may fix in this behalf.

(2) Our Government may remove from the trust a trustee who in their opinion has so abused his position as a trustee as to render his continuance as a trustee detrimental to the public interest :

Provided that when Our Government propose to take action under the foregoing provisions of this Section an opportunity of explanation shall be given to the trustee concerned, and when such action is taken, the reasons therefor shall be placed on record.

Disabilities of trustees removed.

48. (1) A trustee removed under clause (*a*) or clause (*c*) of sub-section (1) of Section 47, or under sub-section (2) of that Section shall not be eligible for further election or nomination for a period of three years from the date of his removal.

(2) A trustee removed under clause (*b*) of sub-section (1) of Section 47 shall not be so eligible until he has obtained his discharge or has paid his creditors in full, as the case may be.

(3) A trustee removed under any other provision of Section 47 shall not be so eligible until he is declared to be no longer ineligible and he may be so declared by an order of Our Government.

Application to trusts of this Regulation and their power to borrow.

49. (1) When a trust has been duly constituted, the provisions of Chapters I to VIII of this Regulation shall, within the area entrusted to it for town planning purposes, apply in full as though the words "trust" and "chairman of the trust" were substituted for "municipal council" and chairman of the council or chairman."

(2) A trust constituted under this Chapter shall for the purpose of borrowing money have the same powers and be subject to the same laws and rules as a municipal council under Section 50.

Payment to trust by municipal council.

50. The municipal council in whose area a trust operates shall pay annually to the trust such amount as may be agreed on between them or as may be fixed by Our Government.

Vesting in municipal council of streets laid out or altered and open spaces provided by the trust under a scheme.

51. (1) Whenever the municipal council is satisfied—

(a) that any street laid out or altered by the trust has been duly levelled, paved, metalled, flagged, channelled, sewered, and drained in the manner provided in the scheme sanctioned by Our Government under this Regulation, and

(b) that such lamps, lamp-posts, and other apparatus as the municipal council may consider necessary for the lighting of such street and as ought to be provided by the trust have been so provided, and

(c) that water and other sanitary conveniences ordinarily provided in a municipality have been duly provided in such street.

the municipal council, after obtaining the assent of the trust or failing such assent, the assent of Our Government under sub-section (3), shall by a written notice affixed in some conspicuous position in such street, declare the street to be a public street; and the street shall thereupon vest in the municipal Council, and shall thenceforth be maintained, kept in repair, lighted, and cleansed by the municipal council.

(2) When any open space for purposes of ventilation or recreation has been provided by the trust in executing any scheme, it shall, on completion, be transferred to the municipal council by resolution of the trust and shall thereupon vest in, and be maintained at the expense of the municipal council:

Provided that the municipal council may require the trust, before any such open space is so transferred, to enclose, level, turf, drain and lay out such space and provide foot-paths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the trust and the municipal council in respect of any matter referred to in the foregoing provisions of this Section, the matter shall be referred to Our Government, whose decision shall be final.

Ultimate dissolution of trust and transfer of its assets and liabilities to municipal council.

52. (1) When the trust created for an area has executed all schemes sanctioned under this Regulation, or so far executed them as to render its continued existence, in the opinion of Our Government, unnecessary, Our Government may by notification declare that the trust shall be dissolved from such date as may be specified in this behalf in such notification; and the trust shall be deemed to be dissolved accordingly.

(2) From the said date—

(*a*) all properties, funds and dues which are vested in or realisable by the trust and the chairman, respectively, shall vest in and be realisable by the municipal council and the chairman of the council, respectively; and

(*b*) all liabilities which are enforceable against the trust shall be enforceable only against the municipal council; and

(*c*) for the purpose of completing the execution of any scheme, sanctioned under this Regulation which has not been fully executed by the trust, and of realising properties, funds, and dues referred to in clause (*a*), the functions of the trust and the chairman under this Regulation shall be discharged by the municipal council and the chairman of the council, respectively.

Power of Government to make rules for trusts.

53. (1) Our Government shall have power to make rules not inconsistent with this Regulation and applicable to all trusts or to any trust—

(*a*) as to the election, nomination and appointment of trustees, and the commencement of their terms of office;

(*b*) as to the resignation by trustees of their offices, and the filling of casual vaccancies;

(*c*) as to the meetings of the trust, the procedure to be followed in summoning, adjourning and conducting the proceedings of such meetings;

(*d*) as to the constitution of committees of trust and the function that may be delegated to them;

(*e*) as to the officers and servants who may be employed by the trust, the authority by whom they may be appointed and punished, the salaries of such officers and servants and the institution, where necessary, of a provident fund or gratuity system for their benefit;

(*f*) as to the accounts to be kept and the returns to be submitted by the trust;

(*g*) as to the manner in which the accounts of the trust shall be audited and published and as to the powers of auditors in respect of disallowance and surcharge;

(*h*) as to the making and execution of contracts on behalf of the trust;

(*i*) as to the mutual relations, financial and other, of a trust and local authorities; and

(*j*) generally for the guidance of trusts and public officers in all matters connected with the carrying out of provisions of this Regulation.

(2) Every trust may from time to time, with the previous sanction of Our Government, make bye-laws consistent with this Regulation and with any rules made thereunder for carrying out the purposes of this Regulation.

CHAPTER X.

TRANSFER OF PROCEEDINGS.

Transfer of proceedings from one authority to another.

54. (1) Our Government may, by notification and from a date to be specified in such notification, transfer the proceedings commenced under this Regulation in respect of any land by any authority having jurisdiction to any other authority having jurisdiction over such land.

(2) Before issuing a notification under sub-section (1) Our Government shall communicate to the authorities affected the grounds on which they propose to make the transfer, fix a reasonable period for them to show cause against the proposal and consider their objections, if any.

(3) The authority to whom a transfer of proceedings is made under sub-section (1) may continue such proceedings from the stage which they had reached on the date specified in the notification.

(4) When making a transfer of proceedings under sub-section (1) Our Government may direct the authority to whom the transfer is made to reimburse the authority from whom the transfer is made the net expenditure which the last mentioned authority may, up to the date of such transfer, have incurred on such proceedings.

(5) From the date specified in the notification under sub-section (1) all rights and assets which, for the purposes of the proceedings transferred by such notification, are vested in, and all obligations and liabilities which for the same purposes are enforceable against the authority from whom the transfer is made, shall vest in or be enforceable against the authority to whom the transfer is made.

Supplement D.

A BILL TO AMEND THE TRAVANCORE POLICE REGULATION, IV OF 1095.

(As settled by the Council)

Whereas it is expedient to amend the Travancore Police Regulation of 1095 (Regulation IV of 1095) for the purpose hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Regulation may be called the Travancore Police (Amendment) Regulation, 110.

(2) It extends to the whole of Travancore.

(3) It shall come into force at once.

2. In Section 51 of the Travancore Police Regulation of 1095 (Regulation IV of 1095),

(*a*) after the word "vessel" the words "or in any public passenger vehicle" shall be inserted, and

(*b*) the following shall be added as an "Explanation", namely :

"*Explanation.*—'Public passenger vehicle' means a vehicle used for carrying passengers for hire or reward other than a vehicle which carries passangers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum."

P. VISVANATHA AIYAR,
Secretary to the Legislative Council.

Supplement E.

THE INSOLVENCY BILL.

[*As settled by the Council.*]

CONTENTS.

Preamble.

Clauses.

1. Short title, extent and commencement.
2. Definitions.

PART I.

Constitution and Powers of Court.

3. Insolvency jurisdiction.
4. Power of Court to decide all questions arising in insolvency.
5. General powers of Courts.

PART II.

Proceedings from Acts of Insolvency to Discharge.
Acts of Insolvency.

6. Acts of insolvency.

Petition.

7. Petition and adjudication.
8. Exemption of corporation, etc., from insolvency proceedings.
9. Conditions on which creditor may petition.
10. Conditions on which debtor may petition.
11. Courts to which petitions shall be presented.
12. Verification of petition.
13. Contents of petition.
14. Withdrawal of petitions.
15. Consolidation of petition.
16. Power to change carriage of proceedings.
17. Continuance of proceedings on death of debtor.
18 Procedure for admission of petition.
19. Procedure on admission of petition.
20. Appointment of interim receiver.
21. Interim proceedings against debtor.
22. Duties of debtor.
23. Release of debtor.
24. Procedure at hearing.
25. Dismissal of petition.
26. Award of compensation.

Order of adjudication.

27. Order of adjudication.
28. Effect of an order of adjudication.
29. Stay of pending proceedings.
30. Publication of order of adjudication.

Proceedings consequent on order of adjudication.

31. Protection order.
32. Power to arrest after adjudication.
33. Schedule of creditors.
34. Debts provable under the Regulation.

Annulment of adjudication.

35. Power to annual adjudication of insolvency.
36. Power to cancel one of concurrent orders of adjudication.
37. Proceedings on annulment.

Compositions and schemes of arrangement.

38. Compositions and schemes of arrangement.
39. Order on approval.
40. Power to re-adjudge debtor insolvent.

Discharge.

41. Discharge.
42. Cases in which Court must refuse an absolute discharge.
43. Adjudication to be annulled on failure to apply for discharge.
44. Effect of order of discharge.

PART III.

Administration of property.—Method of proof of debts.

45. Debt payable at a future time.
46. Mutual dealings and set off.
47. Secured creditor.
48. Interest.
49. Mode of proof.
50. Disallowance and reduction of entries in schedule.

Effect of Insolvency on antecedent transactions.

51. Restriction of rights of creditor under execution.
52. Duties of Court executing decree as to property taken in execution.
53. Avoidance of voluntary transfer.
54. Avoidance of preference in certain cases.
55. By whom petitions for annulment may be made.
56. Protection of bonafide transactions.
57. Appointment of receiver.
58. Power to appoint Official Receivers.
59. Powers of Court if no receiver appointed.
60. Duties and powers of receiver.
61. Power to require information regarding insolvent's property.

Distribution of property.

62. Priority of debts.
63. Calculation of dividends.

64. Right of creditor who has not proved debt before declaration of a dividend.
65. Final dividend.
66. No suit for dividend.
67. Management by and allowance to insolvent.
68. Right of insolvent to surplus.
69. Committee of inspection.

Appeal to Court against receiver.

70. Appeal to Court against receiver.

PART IV.

Penalties.

71. Offences by debtors.
72. Procedure on charge under Section 71.
73. Criminal liability after discharge or composition.
74. Undischarged insolvent obtaining credit.
75. Disqualifications of insolvent.

PART V.

Summary administration.

76. Summary administration.

PART VI.

Appeals.

77. Appeals.

PART VII.

Miscellaneous.

78. Costs.
79. Court to be auxiliary to each other.
80. Limitation.
81. Power to make rules
82. Delegation of powers to Official Receivers.
83. Repeal.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO INSOLVENCY IN TRAVANCORE.

[*As settled by the Council.*]

Preamble.

Whereas it is expedient to consolidate and amend the law relating to insolvency in Travancore; It is hereby enacted as follows:—

Short title extent and commencement.

1. (1) This regulation may be called the Travancore Insolvency Regulation, 110 .

(2) It extends to the whole of Travancore.

(3) It shall come into force on...... ....110............

Definitions.

2. (1) In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "creditor" includes a decree-holder, "debt" includes a judgment debt, and "debtor" includes a judgment debtor;

(*b*) "District Court" means the principal Civil Court of original jurisdiction in any area;

(*c*) "prescribed" means prescribed by rules made under this Regulation;

(*d*) "property" includes any property over which or the profits of which any person has disposing power which he may exercise for his own benefit;

(*e*) "secured creditor" means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor; and

(*f*) "transfer of property" includes a transfer of any interest in property and the creation of any charge upon property.

(2) Words and expressions used in this Regulation and defined in the Code of Civil Procedure, 1100, not hereinbefore defined, shall have the same meanings as those respectively attributed to them by the said Code.

PART I.

Constitution and Powers of Court.

Insolvency jurisdiction.

3. The District Courts shall be the *Courts* having jurisdiction under this Regulation.

Power of Court to decide all questions arising in insolvency.

4. (1) Subject to the provisions of this Regulation, the Court shall have full power to decide all questions whether of title or priority or of any nature whatsoever and whether involving matters of law or of fact, which may arise in any case of insolvency coming within the cognisance of the Court, or which the Court may deem it expedient *or necessary* to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

Provided that, unless all the parties agree, the power hereby given shall not be exercised for the purpose of adjudicating upon any claim not arising out of the insolvency.

(2) Subject to the provisions of this Regulation and notwithstanding anything contained in any other law for the time being in force, every such decision shall be final and binding for all purposes as between, on the one hand, the debtor and the debtor's estate and, on the other hand all claimants against him or it and all persons claiming through or under them or any of them.

(3) Where the Court does not deem it expedient or necessary to decide any question of the nature referred to in sub-section (1), but has reason to believe that the debtor has a saleable interest in any property, the Court may without further inquiry sell such interest in such manner and subject to such conditions as it may think fit.

General powers of Courts.

5. (1) Subject to the provisions of this Regulation, the Court, in regard to proceedings under this Regulation, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

(2) Subject as aforesaid, the High Court shall have, in regard to proceedings under this Regulation in District Courts, the same powers and shall follow the same procedure, as it has and follows in regard to civil suits.

PART II.

Proceedings from Act of Insolvency to Discharge.

Acts of Insolvency.

Acts of insolvency.

6. A debtor commits an act of insolvency in each of the following cases, namely:—

(*a*) If, in Travancore or elsewhere, he makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally;

(*b*) if, in Travancore or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors;

(*c*) if, in Travancore or elsewhere, he makes any transfer of his property or of any part thereof, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(*d*) if, with intent to defeat or delay his creditors,

(i) he departs or remains out of Travancore,

(ii) he departs from his dwelling house or usual place of business or otherwise absents himself,

(iii) he secludes himself so as to deprive his creditors of the means of communicating with him;

(*e*) if any of his property has been sold in execution of the decree of any Court for the payment of money;

(*f*) if he petitions to be adjudged an insolvent under the provisions of this Regulation;

(*g*) if he gives notice to any of his creditors that he has suspended or that he is about to suspend, payment of his debts; or

(*h*) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section the act of an agent may be the act of the principal.

PETITION.

Petition and adjudication.

7. Subject to the condition specified in this Regulation, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

Exemption of corporation etc., from insolvency proceedings.

8. No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

Conditions on which creditor may petition.

9. (1) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(*a*) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors, amounts to five hundred rupees, and

(*b*) the debt is a liquidated sum payable either immediately or at some certain future time, and

(*c*) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition

(2) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent, or give an estimate of the value of the security. In the latter case, he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

Conditions on which debtor may petition.

10. (1) A debtor shall not be entitled to present an insolvency petition unless he is unable to pay his debts and

(*a*) his debts amount to five hundred rupees; or

(b) he is under arrest or imprisonment in execution of the decree of any Court for the payment of money; or

(c) an order of attachment in execution of such a decree has been made and is subsisting against his property.

(2) A debtor in respect of whom an order of adjudication made under this Regulation has been annulled owing to his failure to apply, or to prosecute an application for his discharge, shall not be entitled to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that the petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made.

Court to which petition shall be presented.

11. Every insolvency petition shall be presented to the District Court having jurisdiction in any local area in which the debtor ordinarily resides or carries on business or personally works for gain, or if he has been arrested or imprisoned, where he is in custody:

Provided that no objection as to the place of presentment shall be allowed by the High Court in the exercise of its appellate or rivisional jurisdiction unless such objection was taken at the earliest possible opportunity in the Court by which the petition was heard, and unless there has been a consequent failure of justice.

Explanation. For purposes of this Section a debtor, who has not paid the debts he had contracted while engaged in a business, shall be deemed to be still carrying on the business.

Verification of petition.

12. Every insolvency petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1100, for signing and veryfying plaints.

Contents of petition.

13. (1) Every insolvency petition presented by a debtor shall contain the following particulars, namely:—

(a) a statement that the debtor is unable to pay his debts;

(b) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody;

(c) the Court (if any) by whose order he has been arrested or imprisoned or by which an order has been made for the attachment of his property, together with particulars of the decree in respect of which any such order has been made;

(d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can, by the exercise of reasonable care and diligence, be ascertained by him;

(*e*) the amount and particulars of all his property, together with-

(i) a specification of value of all such property not consisting of money;

(ii) the place or places at which any such property is to be found; and

(iii) a declaration of his willingness to place at the disposal of the Court all such property save in so far, as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1100, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree;

(*f*) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent, and (where such a petition has been filed)—

(i) if such petition has been dismissed, the reasons for such dismissal, or,

(ii) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether previous adjudication has been annulled and, if so, the grounds therefor.

(2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (*b*) of sub-section (1), and shall also specify—

(*a*) the act of insolvency committed by such debtor, together with the date of its commission; and

(*b*) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Withdrawal of petitions.

14. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court.

Consolidation of petitions.

15. Where two or more insolvency petitions are presented against the same debtor, or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Power to change carriage of proceedings.

16. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Regulation in the case of a petitioning creditor.

Continuance of proceedings on death of debtor.

17 If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued so far as may be necessary for the realisation and distribution of the property of the debtor.

Procedure for admission of petition.

18. The Procedure laid down in the Code of Civil Procedure, 1100, with respect to the admission of plaints; shall so far as it is applicable, be followed in the case of the insolvency petitions.

19. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

Procedure on admission of petition.

(2) Notice of the order under sub-section (1) shall be given to creditors in such manner as may be prescribed.

(3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

20. The Court when making an order admitting the petition may, and where the debtor is the petitioner ordinarily shall, appoint an interim receiver of the property of the debtor or of any part thereof, and may direct him to take immediate possession thereof or of any part thereof, and the interim receiver shall thereupon have such of the powers conferable on a receiver appointed under the Code of Civil Procedure, 1100, as the Court may direct. If an interim receiver is not so appointed the Court may make such appointment at any subsequent time before adjudication, and the provisions of this sub-section shall apply accordingly.

Appointment of interim receiver.

21. At the time of making an order admitting the petition or at any subsequent time before adjudication the Court may, either of its own motion or on the application of any creditor, make one or more of the following orders, namely:—

Interim proceedings against debtor.

(1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition and direct that, in default of giving such security, he shall be detained in the civil prison;

(2) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1100, or by any other enactment for the time being in force, from liability to attachment and sale in execution of a decree;

(3) order a warrant to issue with or without bail for the arrest of the debtor, and direct either that he be detained in the civil prison until the disposal of the petition or that he be released on such terms as to security as may be reasonable and necessary:

Provided that an order under clause (2) or clause (3) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(i) has absconded or has departed from the local limits of the jurisdiction of the Court, or is about to abscond or to depart from such limits, or is remaining outside them, or

(ii) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use

to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Duties of debtor.

22. The debtor shall, on the making of an order admitting the petition, produce all books of account, and shall at any time thereafter give such inventories of his property; and such lists of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments and generally do all such acts and things in relation to his property as may be required by the Court or receiver or as may be prescribed.

Release of debtor.

23. (1) At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may, if the debtor is under arrest or imprisonment or is likely to be arrested or imprisoned in execution of the decree of any Court for the payment of money, order his release or the stay of the arrest or imprisonment, as the case may be, on such terms as to security as may be reasonable and necessary.

(2) The Court may at any time order any person who has been so released to be re-arrested and re-committed to the custody from which he was realeased or revoke any order of stay so made.

(3) At the time of making any order under this Section, the Court shall record in writing its reasons therefor.

(4) The wilful default by a debtor to perform the duties imposed on him under Section 22 after being called upon to do the same by the Court may be considered in making any order under this Section.

Procedure at hearing.

24. On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof of the following matters, namely :—

(a) that the creditor or the debtor, as the case may be, is entitled to present the petition :

Provided that, where the debtor is the petitioner, he shall, for the purpose of proving his inability to pay his debts, be required to furnish only such proof as to satisfy the Court that there are *prima facie* grounds for believing the same and the Court, if and when so satisfied, shall not be bound to hear any further evidence thereon :

(b) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order admitting the petition ; and

(c) that the debtor has committed the act of insolvency alleged against him.

(2) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.

(3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

Dismissal of petition.

25. (1) In the case of a petition presented by a creditor, where the Court is not satisfied with the proof of his right to present the petition or of the service on the debtor of notice of the order admitting the petition, or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts, or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.

Explanation.—In the case of a petition presented against two or more debtors, the Court may dismiss the petition as to one or more of them without prejudice to the effect of the petition as against the other or others of them.

(2) In the case of a petition presented by a debtor, the Court shall dismiss the petition if it is not satisfied of his right to present the petition.

Award of compensation.

26. (1) Where a petition presented by a creditor is dismissed under sub-section (1) of Section 25, and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine.

(2) An award under this Section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

Order of adjudication.

Order of adjudication.

27. (1) If the Court does not dismiss the petition it shall make an order of adjudication and shall specify in such order the period within which the debtor shall apply for his discharge.

(2) The Court may, if sufficient cause is shown, extend the period within which the debtor shall apply for his discharge, and in that case shall publish notice of the order in such manner as it thinks fit.

Effect of an order of adjudication.

28. (1) On the making of an order of adjudication, the insolvent shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors.

(2) On the making of an order of adjudication, the whole of the property of the insolvent shall vest in the Court or in a receiver as hereinafter provided and shall become divisible among the creditors and thereafter, except as provided by this Regulation, no creditor to

whom the insolvent is indebted in respect of any debt provable under this Regulation, shall, during the pendency of the insolvency proceedings, have any remedy against the property of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court on such terms as the Court may impose:

Provided that nothing in this sub-section shall affect the power of any secured creditor to realise or otherwise deal with his security; in the same manner as he would have been entitled to realise or deal with it if this sub-section had not been enacted.

(3) All property which is acquired by or devolves on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver, and the provisions of sub-section (2) shall apply in respect thereof.

(4) The property of the insolvent for the purposes of this Section shall not include any property (not being books of account) which is exempted by the Code of Civil Procedure, 1100, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

(5) An order of adjudication shall relate back to and take effect from the date of the presentation of the petition on which it is made.

Stay of pending proceedings.

29. Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made against him under this Regulation, either stay the proceeding, or allow it to continue on such terms as such Court may impose.

Publication of order of adjudication.

30. Notice of an order of adjudication, stating the name, address and description of the insolvent, the date of the adjudication, the period within which the debtor shall apply for his discharge and the Court by which the adjudication is made shall be published in Our Government Gazette and in such other manner as may be prescribed.

Proceedings consequent on order of adjudication.

Protection order.

31. (1) Any insolvent in respect of whom an order of adjudication has been made may apply to the Court for protection, and the Court shall on such application make an order for the protection of the insolvent from arrest or detention:

Provided that the Court may, for reasons to be recorded in writing, either make an order refusing protection or make the order for protection subject to such terms and conditions as the Court thinks proper:

Provided further that the Court may, at any time, for reasons to be recorded in writing, revoke or modify any order under this sub-section.

Explanation :—The refusal of protection or an order for protection on terms and conditions may apply either in respect of all the debts of the debtor or to any of them as the Court thinks proper.

(2) A protection order shall protect the insolvent from being arrested or detained in prison for any debt to which such order applies, and any insolvent arrested or detained contrary to the terms of such an order shall be entitled to his release :

Provided that no such order shall operate to prejudice the rights of any creditor in the event of such order being revoked or the adjudication annulled.

(3) Any creditor shall be entitled to appear and oppose the grant of a protection order or to apply for the revocation of any order under this Section.

Power to arrest after adjudication.

32. At any time after an order of adjudication has been made, the Court may, if it has reason to believe, on the application of any creditor or the receiver, that the debtor has absconded or departed from the local limits of its jurisdiction with intent to avoid any obligation which has been or might be imposed on him by or under this Regulation, order a warrant to issue for his arrest, and on his appearing or being brought before it, may, if satisfied that he was absconding or had departed with such intent, order his release on such terms as to security as may be reasonable or necessary, or if such security is not furnished, direct that he shall be detained in the Civil prison for a period which may extend to three months.

Schedule of creditors.

33. (1) When on order of adjudication has been made under this Regulation, all persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Regulation shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts and the amount of debts, respectively, and shall frame a schedule of such persons and debts :

Provided that, if, in the opinion of the Court, the value of any debt is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debts shall not be included in the schedule,

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Regulation and not entered in the schedule, and the Court, after causing notice to be served on the receiver and the other creditors who have proved their debts, and hearing their objections (if any), shall comply with or reject the application.

34. (1) Debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated and demands in the nature of unliquidated damages arising otherwise than by reason of a contract or a breach of trust shall not be provable under this Regulation:

Debts provable under the Regulation.

(2) Save as provided by sub-section (1), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent, or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Regulation :

Provided that a person having notice of the presentation of any insolvency petition by or against the debtor shall not prove for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

Explanation.—For the purposes of this Section " liability" includes any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement or undertaking, whether the breach does or does not occur, or is or is not likely to occur or capable of occurring, before the discharge of the debtor, and generally it includes any express or implied engagement, agreement or undertaking to pay, or capable of resulting in the payment of, money or money's worth, whether the payment is, as respects amount, fixed, or unliquidated, as respects time, present or future, certain or dependent on any contingency or contingencies, as to mode of valuation, capable of being ascertained by fixed rules, or as matter of opinion.

Annulment of adjudication.

35. (1) Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, the Court shall, on the application of the debtor or of any other person interested, by order in writing, annul the adjudication. And the Court may, of its own motion or on application made by the receiver or any creditor, annul any adjudication made on the petition of a debtor who was, by reason of the provisions of sub-section (2) of Section 10, not entitled to present such petition.

Power to annul adjudication of insolvency.

(2) For the purposes of this Section, any debt disputed by a debtor shall be considered as paid in full, if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

36. If in any case in which an order of adjudication has been made, it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor, and that the property of the debtor can be conveniently distributed by such other Court, the Court may annul the adjudication or stay all proceedings thereon.

Power to cancel one of concurrent orders of adjudication.

37. (1) Where an adjudication is annulled, all sales and disposition of property, and payments duly made and all acts therefore done, by the Court or receiver shall be valid but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may, appoint or in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

Proceedings on annulment.

(2) Notice of every order annulling an adjudication shall be published in our Government Gazette and in such manner as may be prescribed.

38. (1) Where a debtor, after the making of an order of adjudication submits a proposal for a composition in satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal, and shall issue a notice to all creditors in such manner as may be prescribed.

Compositions and schemes of arrangement.

(2) The Court may direct a meeting of the creditors and the receiver if any, to be held in such manner as may be prescribed for the consideration of the proposal and if on such consideration, a majority in number and three-fourths in value of all the creditors whose debts are proved and who are persent in person or by proxy, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the receiver, if a receiver has been appointed, or of the Court in other cases, calculated to benefit the general body of creditors.

(4) The receiver, if a receiver has been appointed, or the debtor in other cases shall submit a report of the proceedings of the meeting, and if the proposal has been accepted by the creditors, the debtor or the receiver, may apply to the Court to approve it and notice of the time appointed for hearing the application shall be given to each creditor and where the Court is of opinion after hearing the report of the receiver, if a receiver has been appointed, as to the terms of the proposal, and after considering any objections which may be made by or on behalf of any creditor,. that the terms of the proposal are not reasonable or not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

Explanation .—Any creditor may be heard by the Court in opposition to the proposal notwithstanding that he may at a meeting of the creditors have voted for its acceptance.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than ten Chuckrams in the rupee on all the unsecured debts provable against the debtor's estate.

(6) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

(7) In any other case the Court may either approve or refuse to approve the proposal.

(8) No composition or scheme shall in any case be approved by the Court unless it has been accepted by all the creditors or could be deemed to have been duly accepted by the creditors under the provisions of sub-section (2).

Order on approval.

39. If the Court approves the proposal the terms shall be embodied in an order of the Court, and the Court shall frame a schedule in accordance with the provisions of Section 33, the order of adjudication shall be annulled, and the provisions of Section 37 shall apply and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

Power to re-adjudge debtor insolvent.

40. If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, re-adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is re-adjudged insolvent under this Section, all debts provable in other respects which have been contracted before the date of such re-adjudication shall be provable in the insolvency.

Discharge.

Discharge.

41. (1) A debtor may, at any time after the order of adjudication and shall within the period specified by the Court, apply to the Court for an order of discharge, and the Court shall fix a day, notice whereof shall be given in such manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

(2) Subject to the provisions of this Section, the Court may after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver—

(a) grant or refuse an absolute order of discharge ; or

(b) suspend the operation of the order for a specified time ; or

(c) grant an order of discharge subject to any conditions with respect to any earnings or income which afterwards become due to the insolvent, or with respect to his after-acquired property.

Cases in which Court must refuse an absolute discharge.

42. (1) The Court shall refuse to grant an absolute order of discharge under Section 41 on proof of any of the following facts, namely : —

(a) that the insolvent's assets are not of a value equal to fourteen Chuckrams in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to fourteen Chuckrams in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(b) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency ;

(c) that the insolvent has continued to trade after knowing himself to be insolvent ;

(d) that the insolvent has contracted any debt provable under this Regulation without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it ;

(e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities ;

(f) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs ;

(g) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they became due, given an undue preference to any of his creditors ;

(h) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors ;

(i) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(2) For the purposes of this Section, the report of the receiver shall be deemed to be evidence ; and the Court may presume the correctness of any statement contained therein.

(3) The powers of suspending, and of attaching, conditions to, an insolvent's discharge may be exercised concurrently.

43. (1) If the debtor does not appear on the day fixed for hearing his application for discharge or on such subsequent day as the Court may direct, or if the debtor does not apply for an order of discharge within the period specified by the Court, the order of adjudication shall be annulled, and the provisions of Section 37 shall apply accordingly.

Adjudication to be annulled on failure to apply for discharge.

(2) Where a debtor has been released from custody under the provisions of this Regulation and the order of adjudication is annulled under sub-section (1), the Court may, if it thinks fit, re-commit the debter to his former custody, and the officer in charge of the prison to whose custody such debtor is re-committed shall receive such debtor into his custody according to such re-commitment, and thereupon all processes which were in force against the person of such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if no order of adjudication had been made.

Effect of order of discharge.

44. (1) An order of discharge shall not release the insolvent from—

(a) any debt due to Our Government;

(b) any debt or liability incurred by means of any fraud or frudulent breach of trust to which he was a party;

(c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party; or

(d) any liability under an order for maintenance made under Section 366 of the Code of Criminal Procedure.

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts provable under this Regulation.

(3) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

(4) An order of discharge shall be conclusive evidence of the insolvency and of the validity of the proceedings therein.

Explanation.—Nothing in sub-section (4) shall be deemed to prohibit the Court from rescinding the order on the ground that it was obtained by fraud or collusion.

PART III.

Administration of Property.

Method of proof of debts.

45. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Debt payable at a future time.

46. Where there have been mutual dealings between an linsolvent and a creditor proving or claiming to prove a debt under this Regulation, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party, shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively:

Mutual dealings and set off.

Provided that a person shall not be entitled under the Section to claim the benefits of any set off against the property of an insolvent in any case where such person had at the time of giving credit to the insolvent notice of the presentation of any insolvency petition by or against him.

47. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

Secured creditor.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinquish his security he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this Section, he shall be excluded from all share in any dividend.

48. (1) On any debt or sum certain whereon interest is not reserved or agreed for and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Regulation, the creditor may prove for interest at a rate not exceeding six per centum per annum.

Interest.

(*a*) If the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication; or

(*b*) if the debt or sum is payable otherwise, from the time when, a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved under this Regulation includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

Mode of proof.

49. (1) A debt may be proved under this Regulation by delivering, or sending by post in a registered letter to the Court an affidavit verifying the debt.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

Disallowance and reduction of entries in schedule.

50. (1) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt.

(2) The Court may also, after like enquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter or, in the case of a composition or scheme, upon the application of the debtor.

EFFECT OF INSOLVENCY ON ANTECEDENT TRANSACTIONS.

Restriction of rights of creditors under execution.

51. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the admission of the petition.

(2) Nothing in this Section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court executing decree as to property taken in execution.

52. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an insolvency petition by or against the debtor has been admitted the Court shall, on application, direct the property, if in the possession of the Court to be delivered to the receiver, but the costs of the suit in which the decree was made and of the execution shall be a first charge on the property so delivered and the receiver may

sell the property or an adequate part thereof for the purpose of satisfying the charge.

53. Any transfer of property not being:—

Avoidance of voluntary transfer.

(i) a transfer made before, or at, and in consideration of, marriage, or

(ii) a transfer made to, or for, the wife or children of the transferor of property that has accrued to the transferor in consideration of the marriage or in right of his wife, or

(iii) a transfer made in favour of a purchaser or incumbrancer in good faith and for valuable consideration,

shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be voidable against the receiver, and may be annulled by the Court.

Avoidance of preference in certain cases.

54. (1) Every transfer of property, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor or of any person in trust for any creditor with a view of giving that creditor or any surety or guarantor for the debt due to such creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

(2) This Section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent.

By whom petitions for annulment may be made.

55. A petition for the annulment of any transfer under Section 53, or of any transfer, payment, obligation or judicial proceeding under Section 54, may be made by the receiver or, with the leave of the Court, by any creditor who has proved his debt and who statisfies the Court that the receiver has been requested and has refused to make such petition.

Protection of bona-fide transactions.

56. Subject to the foregoing provisions of this Regulation with respect to the effect of insolvency on an execution, and with respect to the avoidance of certain transfers and preferences, nothing in this Regulation shall invalidate in the case of an insolvency.

(*a*) any payment by the insolvent to any of his creditors;

(*b*) any payment or delivery to the insolvent;

(*c*) any transfer by the insolvent for valuable consideration; or

(*d*) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication, and that the person with whom such transaction takes place has not at the time notice of the presentation of any insolvency petition by or against the debtor.

Realisation of property.

57. (1) The court may, at the time of the order of adjudication, or at any time afterwards appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver.

Appointment of receiver.

(2) Subject to such conditions as may be prescribed, the court may—

(*a*) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(*b*) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is from the possession or custody thereof:

Provided that nothing in this Section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(4) Where a receiver appointed under this section,

(*a*) fails to submit his accounts at such periods and in such form as the court directs, or

(*b*) fails to pay the balance due from him thereon as the Court directs, or

(*c*) occasions loss to the property by his wilful default or gross negligence, the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

(5) The provisions of this Section shall apply, so far as may be, to interim receivers appointed under Section 20.

Power to appoint official Receivers.

28. (1) Our Government may appoint such persons as they think fit (to be called "Official Receivers") to be receivers under this Regulation within such limits as they may prescribe.

(2) Where any official receiver has been so appointed for the local limits of the jurisdiction of any court having jurisdiction under this Regulation, he shall be the receiver for the purpose of every order appointing a receiver or an interim receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(3) Any sum payable under clause (*b*) of sub-section (2) of Section 57 in respect of the services of an Official Receiver shall be credited to such fund as Our Government may direct.

(4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as Our Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Powers of court if no receiver appointed

59. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Regulation.

Duties and powers of receiver.

60. Subject to the provisions of this Regulation, and such other provisions as may be prescribed the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(a) sell all or any part of the property of the insolvent,

(b) give receipts for any money received by him; and may, by leave of the Court, do all or any of the following things, namely:—

(c) carry on business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(d) institute defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(e) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(f) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulations as to security and otherwise as the Court thinks fit;

(g) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(h) refer any dispute to arbitration; and compromise all debts, claims and liabilities, on such terms as may be agreed upon; and

(i) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Power to require information regarding insolvent's property.

61. (1) The Court may, on the application of the receiver or of any creditor who has proved his debt, at any time after an order of adjudication has been made, summon before it in the prescribed manner any person known or suspected to have in his possession any property belonging to the insolvent, or supposed to be indebted to the insolvent, or any person whom the Court may deem capable of giving information respecting the insolvent or his dealings or property, and the Court may require any such person to produce any document in his custody or power relating to the insolvent or to his dealings or property.

(2) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant cause him to be apprehended and brought up for examination:

Provided that no such warrant shall in any case be issued where the person summoned could not have been compelled to appear if such person were summoned as a witness by the court.

(3) The Court may examine any person so brought before it concerning the insolvent, his dealings or property, and such person may be represented by a legal practitioner.

(4) If on his examination, any such person admits that he is liable to pay the insolvent any sum of money the Court may, on the application of the receiver, order him to pay such receiver at such time and in such manner as to the Court seems expedient, such sum, or any part thereof, either in full discharge of the whole amount, or not, as the Court thinks fit.

(5) Orders made under sub-section (4) shall be executed in the same manner as decrees for the payment of money under the Code of the Civil Procedure, 1100.

(6) The Court shall have the same powers to issue commissions for the examination of any person liable to examination under this section as it has for the examination of witnesses under the Code of Civil Procedure, 1100.

DISTRIBUTION OF PROPERTY.

62. (1) In the distribution of the property of the insolvent, there shall be paid in priority to all other debts—

Priority of debts.

(*a*) all debts due to Our Government or to any local authority; and

(*b*) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.

(2) The debts specified in sub-section (1), shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(4) In the case of partners, the partnership property shall be applicable in the first instance in payment of the partnership debts and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.

(5) Subject to the provisions of this Regulation, all debts entered in the schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Calculation of dividends.

63. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet:

(a) debts provable under this Regulation and appearing from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to render their proofs;

(b) debts provable under this Section, the subject of claims not yet determined;

(c) disputed proofs or claims; and

(d) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of sub-section (1), all money in hand shall be distributed as dividends in the manner prescribed.

(3) The first dividend (if any) shall be declared and be distributed within one year after the adjudication, unless the receiver satisfies the Court that there is sufficient reason for postponing the declaration to a later date.

(4) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(5) Before declaring a dividend, the receiver shall cause notice of his intention to do so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the insolvent's schedule who has not proved his debt.

(6) When the receiver has declared a dividend, he shall send to each creditor who has proved a notice showing the amount of the dividend, and when and how it is payable, and if any creditor, so requires a statement in the prescribed form as to the particulars of the estate shall also be sent to him.

Right of creditor who has not proved debt before declaration of a dividend.

64. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

Final dividend.

65. When the receiver has realised all the property of the insolvent or so much thereof as can, in the opinion of the Court, be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons

whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited or if the court, on application by any such claimant, grants him further time for establishing his claim, then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

No suit for dividend.

66. No suit for a dividend shall lie against the receiver; but where the receiver refuses to pay any dividend, the Court may on the application of any creditor who is entered in the schedule, order him to pay it and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

Management by and allowance to insolvent.

67. (1) The Court may after giving such notice as may be prescribed to the receiver and the creditors and hearing such of them as many appear in that behalf appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct.

(2) The court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determind by the Court.

Right of insolvent to surplus.

68. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors with interest as provided by this Regulation and of the expenses of the proceedings taken thereunder.

Committee of Inspection.

69. (1) The court may, if it thinks fit, authorise the creditors who have proved their debts to appoint a committee of inspection for the purpose of superintending the administration of the insolvent's property by the receiver

(2) The persons appointed to a committee of inspection shall be creditors who have proved their debts or persons holding general powers-of-attorney from such creditors.

(3) The committee of inspection shall have such powers of control over the proceedings of the receiver as may be prescribed.

Appeal to Court against receiver.

Appeal to Court against receiver.

70. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just:

Provided that no application under this section shall be entertained after the expiration of thirty days from the date of the act or decision complained of.

PART IV.

PENALTIES.

Offences by debtors.

71. If a debtor, whether before or after the making of an order of adjudication,—

(*a*) wilfully fails to perform the duties imposed on him by Section 22 or to deliver up possession of any part of his property which is divisible among his creditors under this Regulation, and which is for the time being in his possession or under his control to the Court or to any person authorised by the Court to take possession of it, or

(*b*) fraudulently with intent to conceal the state of his affairs or to defeat the objects of this Regulation,

(i) has destroyed or otherwise wilfully prevented or purposely withheld the production of any document relating to such of his affairs as are subject to investigation under this Regulation, or

(ii) has kept or caused to be kept false books, or

(iii) has made false entries in or withheld entries from or wilfully altered or falsified any document relating to such of his affairs as are subject to investigation under this Regulation, or

(*c*) fraudulently with intent to diminish the sum to be divided among his creditors or to give an undue preference to any of his creditors,

(i) has discharged or concealed any debt due to or from him, or

(ii) has made away with, charged, mortgaged or concealed any part of his property of any kind whatsoever, he shall be punishable on conviction with imprisonment which may extend to one year.

Procedure on charge under Section 71.

72. Where the Court is satisfied, after such preliminary inquiry, if any, as it thinks necessary, that there is ground for inquiring into an offence referred to in Section 71 and appearing to have been committed by the insolvent, the Court may record a finding to that effect and make a complaint of the offence in writing to a Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure.

Criminal liability after discharge or composition.

73. Where an insolvent has been guilty of any of the offences specified in Section 71, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Undischarged insolvent obtaining credit.

74. (1) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine or with both.

(2) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (1), the Court, after making any preliminary inquiry that may be necessary, may send the case for trial to the nearest, Magistrate of the first class, and may send the accused in custody or take sufficient security for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial.

Disqualifications of insolvent.

75. (1) Where a debtor is adjudged or re-adjudged insolvent under this Regulation, he shall, subject to the provisions of this Section, be disqualified from :

(a) being appointed or acting as a Judicial Officer;

(b) being elected to any office of any local authority where the *appointment* to such office is by election or holding or exercising any such office to which no salary is attached; and

(c) being elected or sitting or voting as member of any local authority.

(2) The disqualifications which an insolvent is subject to under this Section shall be removed, and shall cease if :—

(a) the order of adjudication is annulled under Section 35, or

(b) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(3) The Court may grant or refuse such certificate as it thinks fit but any order or refusal shall be subject to appeal.

PART V.

Summary Administration.

Summary administration.

76. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Regulation shall be subject to the following modifications, namely:—

(i) unless the Court otherwise directs, no notice required under this Regulation shall be published in Our Government Gazette;

(ii) on the admission of a petition by debtor, the property of the debtor shall vest in the court as a receiver;

(iii) at the hearing of the petition, the Court shall inquire into the debts and assets of the debtor and determine the same by order in writing and it shall not be necessary to frame a schedule under the provisions of Section 33;

(iv) the property of the debtor shall be realised with all reasonable despatch and thereafter, when practicable, distributed in a single division;

(v) the debtor shall apply for his discharge within six months from the date of adjudication; and

(vi) such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that the Court may at any time direct that the ordinary procedure provided for in this Regulation shall be followed in regard to the debtor's estate, and thereafter the Regulation shall have effect accordingly.

PART VI.

APPEALS.

Appeals.

77. (1) The debtor, any creditor, the receiver or any other person aggrieved by a decision come to or an order made by the Court under the provisions of this Regulation may appeal to the High Court and the decision or order shall for the purposes of the appeal be deemed to be a decree of the Court passed in the exercise of its original civil jurisdiction.

(2) The period of limitation for an appeal under this section shall be sixty days.

PART VII.

MISCELLANEOUS.

Costs.

78. The costs of any proceeding under this Regulation, including the costs of maintaining a debtor in the civil prison, shall, subject to any rules made under this Regulation, be in the discretion of the Court in which the proceeding is had.

Courts to be auxiliary to each other.

79. All Courts having jurisdiction in insolvency and the officers of such Courts, respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Limitation.

80. (1) The provisions of Sections 5 and 12 of the Travancore Limitation Regulation, shall apply to appeals and applications under this Regulation.

Explanation. For the purposes of the said Section 12, a decision under Section 4 of the Regulation shall be deemed to be a decree

(2) Where an order of adjudication has been annulled under this Regulation, in computing the period of limitation prescribed for any suit or application for the execution of a decree other than a suit or application in respect of which the leave of the Court was obtained under sub-section (2) of Section 28 which might have been brought or made but for the making of an order of adjudication under this Regulation, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded;

Provided that nothing in this Section shall apply to a suit or application in respect of a debt provable but not proved under this Regulation.

Power to make rules.

81. (1) The High Court may, with the previous sanction of Our Government, make rules for carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide—

(*a*) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the costs of such audit,

(*b*) for meetings of creditors,

(*c*) for the procedure to be followed where the debtor is a firm,

(*d*) for the procedure to be followed in the case of estates to be administered in a summary manner, and

(*e*) for any matter which is to be or may be prescribed.

(3) All rules made under this Section shall be published in Our Government Gazette and shall, on such publication, have effect as if enacted in this Regulation.

Deligation of powers to Official Receivers.

82. (1) The High Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Regulation, the Official Receiver shall, subject to the directions of the Court, have all or any of the following powers namely :—

(*a*) to frame schedules and to admit or reject proofs of creditors;

(*b*) to make interim orders in any case of urgency; and

(*c*) to hear and determine any unopposed or exparte application.

Explanation.—The provisions of Section 70 shall apply to any act or decision of the Official Receiver.

Repeals.

83. The Travancore Insolvency Regulation (VIII of 1090) is hereby repealed.

84. The provisions of this Regulation shall supply, as far as may be in all cases of insolvency pending in the Courts on the date of the commencement of this Regulation.

A. KUMARA PILLAI,
Secretary to the Legislative Council

Supplement F.

The Travancore Provident Insurance Societies Bill.

(As settled by the Council.)

CONTENTS.

PREAMBLE.

Clauses. *Preliminary.*

1 Short title and extent.
2 Definitions.
3 Application of Regulation.
4 Deposit by Societies.

General.

5 Insurable interest.
6 Provision to be made by rules.
7 Registration of Provident Insurance Societies.
8 Name of Society and change of name.
9 Unregistered society not to receive premium or contribution.
10 Amendment of rules.
11 Right to supply of copies of rules.
12 Register of Members.
13 Publication of authorised, subscribed and paid-up capital.
14 Office.
15 Amalgamation or transfer.
16 Procedure on amalgamation or transfer.
17 Revenue account and balance sheet.
18 Delivery and publication of revenue account, etc.
19 Record of insurance effected on life other than life of person insuring.
20 Inspection of books.
21 Inquiry.
22 Cancellation of registry.
23 Liquidators.

Appeals.

24 Appeals.

Offences and Procedure.

25 Penalty for non-compliance with Regulation.
26 Penalty for falsifying documents.
27 Cognizance of offences.

Rules.

28 Rules.

Miscellaneous.

29 Saving of existing policies.

(The Travancore Provident Insurance Societies Bill as settled by the Council

A Regulation to provide for the regulation of Provident Insurance Societies.

Whereas it is expedient to provide for the regulation of Provident Insurance Societies; it is hereby enacted as follows—

Preliminary.

Short title, extent and commencement

1. (1) This Regulation may be called "The Travancore Provident Insurance Societies Regulation of 110 " and

(2) It shall extend to the whole of Travancore.

(3) *It shall come into force on...........*

Definitions.

2. In the Regulation, unless there is anything repugnant in the subject or context: —

(1) "Court" means the principal Civil Court of original jurisdiction in a district

(2) "financial year" means each period of twelve months at the end of which the balance of the accounts of any Provident Insurance Society is struck, or, if no such balance is struck, then the calendar year:

(3) "life assurance business" means the issue of, or the undertaking of liability under, policies of assurance upon human life, or the granting of annuities upon human life:

(4) "policy of assurance on human life" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life:

(5) "policy holder" means the person who for the time being is the legal holder of the policy for securing the contract with the Provident Insurance Society:

(6) where a Provident Insurance Society grants annuities upon human life, "policy" includes the instrument evidencing the contract to pay such an annuity, and "policy-holder" includes annuitant:

(7) "prescribed" means prescribed by rules made under this Regulation:

(8) "Provident Insurance Society" means any person who, or body of persons whether corporate or unincorporate which, receives premiums or contributions for insuring money to be paid on the birth, marriage or death of any person or on the happening of such other contingency or class of contingency as may be prescribed: and

(9) "Registrar" means any person who may be appointed by our Government to perform the duties of the Registrar under this Regulation.

Application of Regulation.

3. Nothing in this Regulation shall apply to any Provident Insurance Society carrying on life assurance business, which undertakes to pay on any life assurance policy or series of life assurance policies on any one life, an annuity exceeding fifty rupees, or a gross sum exceeding five hundred rupees, or which receives or undertakes to receive by way of premium or contribution for life assurance on any one life any sum exceeding two hundred and fifty rupees where the said premiums or contributions are payable for one year or a limited number of years, or exceeding twentyfive rupees in any one year where the premiums or contributions are unlimited in number and terminable on death or the occurrence of an uncertain event.

Provided that, in determining whether this Regulation applies to any Provident Insurance Society carrying on life insurance business, contracts entered into by the society before the commencement of this Regulation shall not be taken into consideration.

Deposit by Societies

4. (1) Every provident Insurance Society shall, if established before the commencement of this Regulation, within six months from such commencement, or before its registration, deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government, the sum of five thousand rupees, and until the Society keep deposited the sum of fifty thousand rupees, shall annually deposit and keep deposited a sum equal to fifteen per cent. of the gross income derived from its business as shown in the revenue account for the last financial year:

Provided that a Society may at any time deposit the sum of fifty thousand rupees or make up its deposit to that value.

(2) The interest at the Anchal Savings Bank rate prevailing from time to time on the amount deposited under sub-section (I) shall be paid to the Society.

(3) The deposit may be made by the subscribers to the rules of a Society produced for registration, or any of them, in the name of a proposed Society and, upon the registration of the Society, shall be deemed to have been made by, and to be part of the assets of the Society.

(4) The deposit shall be deemed to form part of the Provident Insurance Fund of the Society, and such fund shall be absolutely the security of the policy-holders.

General.

5. (1) No Provident Insurance Society shall receive any

Insurable interest.

premium or contribution for insuring money to be paid on the death of any person other than the person paying such premium or contribution or the wife, husband, child, parent, brother or sister of such person nor shall any such Society issue any policy in which a person other than any such relation is nominated as the payee of the money insured.

(2) No assignment of any policy shall take effect or be recognised for any purpose unless such assignment as attested by any such person as is prescribed in that behalf or is effected by an instrument registered under the law for the time being in force for the registration of assurances.

(3) The nomination of any such relation as is mentioned in sub-section (1) as the payee in any policy shall take effect as assignment on the death of the policy-holder.

Provision to be made by rules.

6. Every Provident Insurance Society shall, by its rules,—

(a) specify the object, name and registered office of the society;

(b) prescribe the proportion of the annual income of the society derived from premiums or contributions which may be disbursed for the expenses of management of the society;

(c) in the case of a society which by rule or practise divides any part of the funds thereof, provide for the payment of all debts due by the society existing at the time of division before any such division has taken place;

(d) specify the provisions regarding the safeguards relating to the correctness of the particulars to be contained in the proposal for the policy and the identity of the proposer;

(e) provide for the transfer to the reserve fund or other modes of disposal or arrears realised in cases of revivals of policies not taken as available for distribution among the policy holders entitled to claim the same in case of societies of the dividing type;

(f) provide for the payment of the assured amounts in ases of dividing societies with respect to life assurance policies after the expiry of a specified period during which payments are required to be made regularly only on the death of the insured; and

(g) provide for any other matters which may be prescribed.

Registration of Provident Insurance Societies.

7. (1) (a) Every Provident Insurance Society shall, within six months from the commencement of this Regulation, or, if established after the commencement of this Regulation before it receives any premium or contribution, apply to the Registrar for registration under this Regulation, and shall deliver to him a copy of the rules of the society.

(b) Such applications and rules shall, in the case of incorporated bodies, be signed by the directors of the society on the date of the registration and shall be accompanied by a list of directors as required under Section 87 of the Travancore Companies Regulation I of 1092 and a statement signifying the consent of the directors as required under Section 84, in the form prescribed therefor, under the said Regulation.

(2) The Registrar shall, on being satisfied that such rules comply with the provisions of this Regulation acknowledge the receipt of the rules and register the society and its rules.

(3) If the Registrar is not satisfied that the rules or any of them comply with the provisions of this Regulation he shall send to the provident Insurance Soeiety a notice by Post or Anchal stating in what respect such rule or rules is or are not in accordance with the provisions of this Regulation and calling upon such society to deliver to him an amended rule or rules within sixty days.

(4) On receipt of a notice under sub-section (3), the Provident Insurance Society may within sixty days deliver to the Registrar an amended rule or rules in conformity with this Regulation, and the Registrar shall thereupon acknowledge the receipt of the rules and register the society and its rules as hereinbefore provided.

Name of the Society and change of name.

8. (1) Notwithstanding anything contained in Section 7 (2), no Provident Insurance Society shall be registered by a name identical with that by which a company or society already in existance is registered or so nearly resembling that name as to be calculated to deceive, except where the company or society in existance is in the course of being dissolved and signifies its consent in such manner as the Registrar requires.

(2) If a Provident Insurance Society, through inadvertence or otherwise, is, without such consent as aforesaid registered by a name identical with that by which a company or society in existance is previously registered, or so nearly resembling it as to be calculated to deceive, the first mentioned Provident Insurance Society may with the sanction of the Registrar change its name.

(3) A Provident Insurance Society shall not be registered by a name which contains any of the following words, namely – "Maha Raja," "Royal," "Crown," "Emperor" "Empire" "Empress," "Imperial," "King," "Queen," "Government," or words expressing or implying Our sanction, approval or patronage, or that of His Majesty the King Emperor, or the Government of India, or a local Government in India, except where the consent of Our Government to the use of words as part of the name of the Society, signifying Our sanction,

approval, or patronage is obtained by an order in writing under the hand of the Chief Secretary to Our Government, or, in the case of words expressing or implying the sanction, approval or patronage of His Majesty the King Emperor, the Government of India or a Local Government in India, the Governor-General in Council, signifies his consent to the use of such words as part of the name of the Society by order in writing under the hand of one of the Secretaries to the Government of India.

(4) Any Provident Insurance Society may, by special resolution and subject to the approval of Our Government signified in writing under the hand of the Chief Secretary to Our Government, change its name.

(5) Where a society changes its name, the Registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of having done so. On the issue of such a certificate, the change of name shall be complete.

(6) The change of name shall not affect any rights or obligations of the society, or render defective any legal proceedings by or against the society; and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

Unregistered society not to receive premium or contribution.

9. No Provident Insurance Society shall receive any premium or contribution, unless it is registered in accordance with the provisions of this Regulation:

Provided that this prohibition shall only apply to a society established before the commencement of this Regulation:—

(*a*) When such society has applied for registration *and made the deposits* in accordance with the provisions of Section 7 from the date of the order of the Registrar refusing registry.

(*b*) When such society has not applied *and made the deposit* as aforesaid—after six months from the commencement of this Regulation.

Amendment of rules.

10. (1) No amendment of any rule of a Provident Insurance Society shall be valid until the same has been registered under this Regulation for which purpose a copy of the amended rule shall be sent to the Registrar.

(2) The Registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Regulation, issue to the society an acknowledgment of the registration of the same.

11. Every Provident Insurance Society shall, on demand, deliver free of cost to any member of the society a copy of the rules of the society, and to any person other than a member a copy of such rules on the payment of a sum not exceeding one rupee.

Right to supply of copies of rules.

12. Every Provident Insurance Society which is not registered under the Travancore Companies Regulation, 1092, shall cause to be kept in the prescribed form a register of the names and addresses of its members.

Register of Members.

13. Where any notice, advertisement or other official publication of a Provident Insurance Society contains a statement of the amount of the authorized capital of the society, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up.

Publication of authorized, subscribed and paid-up capital.

14. Every Provident Insurance Society which is not registered under the Travancore Companies Regulation, 1092, shall have an office on the outside of which it shall display and keep displayed its name in English and one of the vernaculars prevailing in the locality in a conspicuous position, in legible letters, to which all communications and notices may be addressed, and shall give notice to the Registrar of the situation of such office and of any change therein.

Office.

15. (1) Where it is intended to amalgamate two or more Provident Insurance Societies or to transfer the business of one Society to another, such Society to another, such Society or Societies may apply to the Court, by petition, to sanction the proposed arrangement.

Amalgamation or transfer.

(2) Before any such application is made to Court, notice of the intention to make the application shall be published in Our Government Gazette at least one month before the application is made.

(3) A statement of the nature of the amalgamation or transfer, as the case may be, together with an abstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected, shall be prepared and a report from an expert agreed to by the Societies proposing such amalgamation or transfer with respect to the state of affairs of the Societies concerned, shall be obtained and copies of the statement and report shall be transmitted to each policy holder of the societies, unless the Court otherwise directs.

(4) The agreement or deed under which the amalgamation or transfer is effected shall be kept open for the inspection of the policy holders and share-holders at the offices of the Societies for a period of 15 days after the last publication of the notice under sub-clause (2).

(5) The Court after hearing the Directors and persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection to the arrangement has been established.

(6) The Court shall not sanction the amalgamation or transfer in any case in which it appears to the Court that 1/10 or more of the total number of policy holders of the Society which it is proposed to amalgamate or in any Society the business of which it is propesed to transfer, dissent from the amalgamation or transfer.

(7) No Provident Insurance Society shall amalgamate with another, or transfer its business to another unless the amalgamation or transfer is sanctioned by the Court in accordance with this Section.

Procedure on amalgamation or transfer.

16. Where an amalgamation takes place between any Provident Insurance Societies or where the business of one such Society is transferred to another, the combined Society or the purchasing Society, as the case may be, shall within one month from the date of the completion of the amalgamation or transfer, deposit with the Registrar :—

(*a*) certified copies of statements of the assets and liabilities of the Societies concerned in such amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer ; and

(*b*) a certified copy of the agreement or deed under which the amalgamation or transfer is effected ; and

(*c*) certified copies of the expert's reports upon which the agreement or deed is founded ; and

(*d*) a declaration by the Society, that to the best of the belief of the signatory or signatories every payment made or to be made to any person whatsoever on account of the amalgamation or transfer is therein fully set forth, and that no other payments beyond those set forth have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer.

Revenue account and balance sheet.

17. Every Provident Insurance Society shall, at the expiration of each financial year, prepare a revenue account and balance sheet in the prescribed form and verified in the prescribed manner, and shall cause them to be audited by an

auditor possessing the prescribed qualifications whose report in the prescribed form shall be attached to such balance sheet.

Delivery and publication of revenue account, etc.

18. Every Provident Insurance Society shall, within three months of the expiration of each financial year, deliver to the Registrar the revenue account, balance sheet and the auditor's report required by Section 17, and shall publish them in the prescribed manner.

Record of insurances effected on life other than life of person insuring.

19. Every Provident Insurance Society shall maintain in the prescribed form a record of every insurance effected on a life other than the life of the person insuring, and shall deliver a copy of such record to the Registrar, together with the balance sheet, revenue account and auditor's report referred to in Section 17.

Inspection of books.

20. The books of every Provident Insurance Society shall at all reasonable hours be open to inspection by the Registrar, or by any person appointed by him in this behalf or by any member of the society.

Inquiry.

21. (1) The Registrar may, if he thinks fit, of his own motion, and shall, upon the application of ten or more members or policy-holders of a Provident Insurance Society, hold or direct an inquiry to be held by a person possessing the prescribed qualifications appointed by him by order in writing in this behalf as to the solvency of any Provident Insurance Society or as to the manner in which the business of any such society is conducted.

(2) An application to the Registrar under sub-section (1) shall be supported by such evidence as the Registrar may require for the purpose of showing that the applicants have good reason for applying for an inquiry.

(3) The Registrar may require the applicants under sub-section (1) to give such security as he thinks fit for the costs of the proposed inquiry before such an inquiry is held.

(4) All expenses of, and incidental to, or preliminary to, any inquiry made on application as aforesaid shall be paid by the applicants therefor or out of the funds of the society or by the members or officers of the society in such proportions as the Registrar may direct by order in writing.

(5). An order made under sub-section (4) shall on application be enforced by any Civil Court having local jurisdiction in the same manner as a decree of such Court.

(6) A person holding an inquiry under this section shall have access to all the books and documents of the society, and shall have power to call upon the society and the officers of the society to furnish such statements and other information in relation to its business as he may direct.

(7) The result of the inquiry shall be communicated to the society and to the applicants (if any).

Cancellation of registry.

22. When an inquiry has been held under Section 21, the Registrar may, if he is satisfied—

(*a*) that the society is insolvent, or must necessarily become so, or

(*b*) that the business of any such society is conducted fraudulently or not in accordance with the rules thereof,

after giving previous notice in writing in such manner as he thinks fit specifying briefly the grounds of the proposed cancellation, cancel the registry of the society.

Liquidators.

23. (1) Where the registry of a Provident Insurance Society is cancelled in accordance with the provisions of Section 22, the Registrar may appoint a liquidator to wind up the society.

(2) A liquidator appointed under sub-section (1) shall have power—

(*a*) to institute or defend any legal proceedings on behalf of the society by his name of office;

(*b*) to determine the contribution to be made by members of the society, respectively, to the assets of the society;

(*c*) to investigate all claims against the society and to decide questions of priority arising between claimants;

(*d*) to determine by what persons and in what proportions the costs of the liquidation are to be borne; and

(*e*) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society.

(3) Subject to any rules of procedure made under this Regulation, a liquidator appointed under this section shall, in so far as such powers are necessary to carry out the purposes of this section, have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and as far as may be in the same manner as is provided in the case of a Civil Court by the Civil Procedure Code, 1100.

(4) Orders made under this section shall on application be enforced as follows:—

(*a*) when made by a liquidator, by any Civil Court having local jurisdiction in the same manner as a decree of such Court;

(*b*) when made by the Court on appeal, in the same manner as a decree of the Court.

Appeals.

Appeals.

24. (1) An appeal shall lie to the Court within thirty days—

(*a*) from an order of the Registrar refusing to register a Provident Insurance Society or any rules or amendments of rules of such society;

(*b*) from an order of the Registrar cancelling the registry of a society;

(*c*) from an order made by a liquidator appointed under Section 23.

(2) Save as hereinbefore expressly provided, orders made under this Regulation shall be final and conclusive.

Offences and Procedure.

Penalty for non-compliance with Regulation.

25. Any Provident Insurance Society which contravenes any of the provisions of this Regulation, or makes default in complying with any of *its* requirements, and every director, manager or secretary or other officer or agent of the society, who is knowingly a party to such contravention or default, shall be punishable with fine which may extend to five hundred rupees, or in the case of continuing default, with fine which may extend to two hundred and fifty rupees for every day during which the default continues.

Penalty for falsifying documents.

26. If any register, account balance sheet or other document required by this Regulation is false in any particular to the knowledge of any person who signs it, such person shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Cognizance offences.

27. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Rules.

Rules.

28. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(*a*) contingencies or classes of contingencies and thereby extend the application of this Regulation to the receipt of premiums or contributions for insuring money to be paid on the happening of such contingencies or class of contingencies;

(*b*) the matters in respect of which a society shall make rules;

(*c*) the form of any account, return, report or register required by this Regulation, and the manner in which any such account, return or register shall be verified;

(*d*) the fees to be charged for matters transacted under this Regulation, and the manner in which the same are to be collected ;

(*e*) the qualifications of auditors under this Regulation;

(*f*) the manner in which any document required to be published by this Regulation shall be published; and

(*g*) the procedure to be followed by liquidators under this Regulation.

(3) The power to make rules conferred by this Regulation is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Regulation shall be published in Our Government Gazette, and on such publication shall have effect as if enacted herein.

Miscellaneous.

Saving of existing policies.

29. No policy effected before the commencement of this Regulation with a Provident Insurance Society shall be deemed to be void by reason only that the insurance is not authorized by this Regulation.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

Supplement G.

THE TRAVANCORE KSHATRIYA BILL.

(As settled by the Council.)

Preamble.

Whereas it is expedient to define and amend the law relating to marriage, succession, partition, tarwad management, and maintenance, of the Malayala Kshatriyas (excluding the members of the Royal Family of Travancore);

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (1) This Regulation may be called the Travancore Kshatriya Regulation of...

(2) It shall come into force on ....

(3) It shall apply to all Malayala Kshatriyas (excluding the members of the Royal Family of Travancore) domiciled in Travancore, and to such Kshatriyas not so domiciled, and non-Kshatriyas, whether so domiciled or not, as have, or shall have, marital relations with Kshatriyas domiciled in Travancore, and also to all Malayala Kshatriyas, wherever domiciled, in respect of their properties in Travancore.

Definitions.

2. In this regulation, unless there is something repugnant in the subject or context:

(1) "Kshatriya" includes the members of all communities commonly known or recognised as Malayala Kshatriyas.

(2) "Marumakkathayam" means the system of inheritance in which descent is traced in the female line.

(3) "Thavazhi of a female" means a group of persons consisting of that female, her children, and their issue how-low-so-ever in the female line, or such of that group as are alive.

(4) "Thavazhi of a male" means the thavazhi of his mother.

(5) "Collateral Thavazhi" are thavazhies of females who though descended from a common ancestress, do not stand in the direct line of ascent or descent from one another.

(6) "Tarwad" means and includes all the members of a marumakkathayam family, with community of property.

(7) "Karanavan" means the senior major male member of the tarwad, in whom the headship of the tarward, the right of management of its affairs, and possession of the properties thereof, are vested in law, and, in the absence of such male member, the senior major female member.

(8) "Anandaravan" means any member of a tarwad other than the karanavan.

(9) "Senior Anandaravan" means the major anandaravan who, for the time being, is next in order of succession to Karanavastanam in the tarwad.

(10) "Minor" means a person who has not completed eighteen years of age.

(11) "Prescribed" means prescribed by rules made by Our Government under this Regulation.

CHAPTER II.

MARRIAGE AND ITS DISSOLUTION.

Classes of Conjugal unions of Kshatriyas which are valid marriages.

3. The conjugal union of—

(a) A Kshatriya male or feamle with a Kshatriya female or male as the case may be, subject to such restrictions of consanguinity and affinity, as are approved by the community or communities to which they belong, or

(b) a Kshatriya male or female with a non-Kshatriya female or male, as the case may be, where such union is permissible according to recognised usage,

shall be deemed to be a valid marriage for the purpose of this Regulation, if registered in the manner hereinafter provided for :

Provided that, notwithstanding the provisions of Section 3 of the Nayar Regulation, II of 1100, marriages of Kshatriya males with Nayar females shall be valid, whether registered in the manner herein provided for, or openly solemnised by the presentation of cloth as provided for in the Nayar Regulation, II of 1100 :

Provided also, that marriages, where both parties are Kshatriyas, shall not be deemed to be invalid by reason of consanguinity or affinity alone, if they are removed from the common ancestress by more than four degrees, except in cases where both the parties are members of the same undivided family ; and

Provided further, that all marriages in force on the date of the commencement of this Regulation shall be valid, irrespective of registration.

Registration of marriage.

4. (i) The registration required under Section 3, shall be done, on application by the parties to the union, or their guardians, by such authority, in such manner, and on such conditions, as to payment of fees, custody of the records evidencing the registration, and generally all other matters relating and incidental thereto, and necessary therefor, as may be prescribed by Our Government in this behalf, if the parties to any marriage in force on the date of the commencement of this Regulation, apply for such registration, the same shall be similarly effected,

(*b*) Certificates in such form as may be prescribed by our Government in this behalf, shall, on such registration, be issued to each of the parties to the union or marriage, or their guardians, making the application, by the authority registering the same.

5. The subsequent marriage of—

(*a*) any Kshatriya male or female having a wife or husband, as the case may be, or

(*b*) any non-Kshatriya male or female having a Kshatriya wife or husband as the case may be, or

(*c*) any non-Kshatriya male or female having a non-Kshatriya wife or husband, as the case may be, with a Kshatriya female or male as the case may be,

shall be void.

Dissolution of marriage.

6. A marriage may be dissolved only in one of the following ways :—

(i) by the death of either party;

(ii) by mutual consent evidenced by an instrument registered under the law in force relating to registration of documents;

(iii) by a formal order of dissolution as hereinafter provided.

Petition for dissolution of marriage.

7. Notwithstanding anything contained in the Civil Courts Regulation, a husband or wife, or his or her guardian, as the case may be when an application could not be legally made by him or her direct, may present a petition for dissolution of the marriage under Section 6, sub-section (iii), in the Court of the District Munsiff within the local limits of whose jurisdiction the counter-petitioner resides, carries on business, or personally works for gain, or if the counter-petitioner resides, works for gain, or carries on business, in any place outside Travancore, in the Court of the District Munsiff, within whose jurisdiction the petitioner resides, works for gain, or carries on business. The petitioner shall, in all cases, offer in the petition itself, reasonable compensation not exceeding one hundred rupees for payment to the counter-petitioner on dissolution. The petitioner shall produce along with his petition, such fees, for the transmission of the copy of the order of dissolution to the registering authority as herein below required, and in such manner, as may be prescribed by Our Government in this behalf.

Notice to be given to the counter-petioner.

8. A copy of such petition shall be served on the counter-petitioner at the expense of the petitioner, in the manner provided for the service of summons on a defendant in the Civil Procedure Code.

When and how order of dissolution should be passed.

9. (1) Six months after the service of the copy of the petition under Section 8, if the petition is not withdrawn in the meantime, the court shall declare in writing that the marriage shall stand dissolved, and thereafter proceed to determine the amount of compensation payable to the counter-petitioner, if necessary.

Provided that the court shall not, in such cases, enquire into the causes of the disolution of the marriage, but confine its enquiry solely to the status of the parties, and award, by its order, a sum not exceeding one hundred rupees, as compensation.

(2) The procedure prescribed under the Civil Procedure Code for the trail of Small Cause suits shall as far as possible, be applicable to enquiries under this Section.

(3) So far as it decrees payment of compensation, such order shall be executable as a decree under the Code of Civil Procedure, on payment of Court fees on the amount adjudged.

Court order of dissolution to be forwarded to authority registering marriages.

10. A copy of the order of dissolution shall be forwarded by the Court to the authority competent to register the marriage under this Regulation. Such authority shall register the order in such manner as may be prescribed by Our Government.

The provisions of Nayar Regulation to govern dissolution of marriages of Kshatriya males with Nayar females.

11. Notwithstanding anything contained in Section 7 to 10, the provisions of the Nayar Regulation II of 1100, relating to dissolution of marriages, shall alone apply to marriages between Kshatriya males and Nayar females.

CHAPTER III.

Guardianship.

Guardianship of minor wife and children.

12. (1) The husband shall be the legal guardian of his minor wife in respect of her person and separate property.

(2) Save as regards married daughters under the guardianship of their husbands, the following persons in the order named, shall be the legal guardians of the minor children in respect of their person and separate property; the mother, the father, the uterine brothers, the uterine sisters, the mother's brothers, and the major male members of the grand-mothers' thavazhi how-high-so-ever, the nearer excluding the more remote.

CHAPTER IV.

Testamentary Powers.

Testamentary disposition.

13. A Kshatriya may dispose of by will the whole of his or her self-acquired and separate property.

CHAPTER V.

Intestate Succession.

Where intestate Kshatriya male has left widow, mother, or lineal descendants.

14. On the death of a Kshatriya male leaving him surviving, a widow or widows, or mother or both, and children, or lineal descendants of deceased children, or all, they shall, notwithstanding the provisions of Section 21 of the Nayar Regulation or any other law for the time being in force governing the parties take, after deducting all reasonable expenses for his funeral, the whole of his self-acquired and separate property left undisposed of by him at his death, and in the absence of the mother and the widow, the children, and the lineal descendants of deceased children shall take the whole. In the absence of the mother, the widow, children and the lineal descendants shall take the whole.

Rules of distribution of estate under Section 14.

15. The distribution of the estate under Section 14 shall be according to the following Rules:—

(i) The widow or widows, if there are more than one, and the mother, shall each be entitled to a share equal to that of a son or daughter.

(ii) Sons and daughters shall take the property in equal shares, provided that if a son or daughter shall have predeceased the intestate, the lineal decendants of such child shall take the share which such child would have taken had it survived the intestate.

(iii) The grand-children shall take in equal shares what their father or mother would have taken, had he or she survived the intestate. In like manner, the property shall go to the surviving lineal descendants of the intestate, where they are all in the degree of great grand-children to him in a more remote degree.

Illustrations.

(*a*) A dies intestate leaving B and C two widows, D his mother, E a son, F a daughter, and the lineal descendants of a deceased son G. B, C, D, E and F each gets 1/6th of the estate and the lineal descendants of G together get 1/6 of the estate.

(*b*) A dies leaving him surviving B a son, C a daughter, and two grand-children by deceased daughter D, and two grand-children and a great grand-child by a deceased grand-child, by deceased son E. B and C shall be entitled to ¼ of A's estate. Each of the grand-children by D shall be entitled to 1/8. Each of the grand-children by E shall be entitled to 1/12, and the great grand-child by E to the remaining 1/12 of A's estate.

Where intestate Kshatriya has left widow and mother only.

16. On the death of a Kshatriya male, leaving him surviving, no children or lineal descendants of deceased children, but only his widow or widows and his mother, they shall take such property after defraying his funeral expenses equally.

In the absence of the widow, the mother shall take the whole.

17. On the death of a Kshatriya male leaving him surviving, neither his mother nor his lineal descendants, but only his widow and his mother's thavazhi, one half of the self acquired and separate property left undisposed by him at his death, after meeting the funeral expenses shall devolve on his widow, and the other half on his mother's thavazhi.

Where intestate Kshatriya has left mother's thavazhi only.

In the absence of the mother's thavazhi the widow shall take the whole, and in the absence of the widow, the mother's thavazhi shall take the whole.

18. On the death of a Kshatriya male, leaving him surviving, none of the heirs mentioned in Sections 14, 16 and 17, but only his father and his grand-mother's thavazhi, one half of the self acquired and separate property left undisposed of by him at his death, shall similarly devolve on his father, and the other half on his grand-mother's thavazhi. In the absence of the grand-mother's thavazhi, the father shall take the whole, and in the absence of the father, the grand-mother's thavazhi shall take the whole.

Where intestate Kshatriya male has left father and grand-mother's thavazhi only.

19. On the death of a Kshatriya male, leaving him surviving none of the heirs specified in Sections 14 and 16 to 18, the self acquired and separate property left undisposed of by him at his death, after meeting his funeral expenses, shall devolve on the thavazhi of his great grand-mother, or on the thavazhi of his more remote female ascendants, the nearer excluding the more remote.

Where intestate Kshatriya male has left none of the heirs in Sections 14, 16, 17 and 18.

20. On the death of Kshatriya female, leaving her surviving, her husband, her mother or both, and her children, or the lineal descendants of her children, or both, they shall take the whole of the separate or self acquired property left undisposed of by her on her death after meeting her funeral expenses in equal shares. In the absence of the husband and the mother, the children and the lineal descendants shall take the whole, and in the absence of the mother, husband, children and the lineal descendants shall take the whole.

Where intestate Kshatriya female has left children or lineal descendants by deceased children.

The provisions of Section 15 Sub-sections (ii) and (iii) shall apply to the distribution of the estate among the children and the lineal descendants under this section.

21. On the death of a Kshatriya female, leaving her surviving, no children or lineal descendants of deceased children, but only her husband and her mother, one half of her self acquired and separate property left undisposed of by her on her death shall similarly devolve on her mother, and the other half on her husband.

Where an intestate Kshatriya female leaves her husband and mother.

In the absence of the husband the mother shall take the whole.

22. On the death of a Kshatriya female, leaving her surviving, neither her mother nor her lineal descendants, but only her husband and her mother's thavazhi one-half of her self acquired and separate property left undisposed of by her at her death, shall likewise devolve on her husband and the other half on her mother's thavazhi.

Where an intestate Kshatriya female leaves her husband and mother's thavazhi.

In the absence of the mother's thavazhi, the husband shall take the whole, and in the absence of the husband, the mother's thavazhi shall take the whole.

No right to parties to marriage not in force at one's death.

23. Nothing in Sections 20 to 22 shall confer any right on any person whose marriage with the deceased was not in force on the date of her death.

24. On the death of a Kshatriya female, leaving her surviving, none of the heirs mentioned in Sections 20 to 22, but only her father and her grand-mother's thavazhi, one-half of the self- acquired and separate property left undisposed of by her at her death shall, after meeting her funeral expenses devolve on her father, and the other half on her grand-mother's thavazhi.

Where Kshatriya female has left father and grand-mother's thavazhi.

In the absence of the grand-mother's thavazhi, the father shall take the whole; and in the absence of the father, the grand-mother's thavazhi shall take the whole.

25. On the death of a Kshatriya female leaving her surviving none of the heirs set forth in Sections 20 to 22 and 24, the self-acquired and separate property left undisposed of by her at her death, shall similarly devolve on the thavazhi of her great grand-mother, or on the thavazhi of her more remote female ascendants, the nearer excluding the more remote.

Where intestate Kshatriya female has left none of the heirs under Sections 20 to 22 and 24.

26. (1) (*a*) On the death, after the commencement of this Regulation, of a non-Kshatriya male, leaving him surviving, a Kshatriya widow or widows, or Kshatriya children, or the lineal decendants of such children or all, and also other widows in whom, or in whose children if any, by such husband, a right to inherit his separate or self-acquired property is recognised by law, or children by such widows, or those by other similar deceased non-Kshatriya wives who may have predeceased such non-Kshatriya male, such Kshatriya widow, widows, Kshatriya children, or Kshatriya lineal descendants, or all, shall, notwithstanding the provisions of Section 21 of the Nayar Regulation II of 1100, and those of Sections 15 and 16 of the Travancore Malayala Brahmin Regulation III of 1106, be entitled, after deducting the reasonable expenses for his funeral, to take along with such other widows, children or lineal descendants, the

Where intestate non-Kshtriya male leaves a Kshatriya widow, children or lineal descendants of deceased children.

separate or self-acquired property left undisposed of by him after his death, each taking an equal share, subject to the provisions of Section 15, sub-sections (ii) and (iii) of this Regulation.

Proviso in the case of deceased Malayala Brahmin husband.

(*b*) Provided that where a Malayala Brahmin leaves behind him a Kshatriya widow, or widows, or Kshatriya children, or both, or lineal decendants of such children, or all, but has not left behind him a caste widow, or children by his caste wives, Kshatriya widow or widows, his Kshatriya lineal descendants and other widows of the kind referred to in clause (*a*) of sub-section (1) of this section, and the lineal descendants by such wives, and his Illam, shall take equally such self-acquired or separate property, the Illom being given at such distribution the same share as a widow under clause (*a*) of this sub-section.

Where non-Kshatriya husband follows the ordinary Hindu Law.

(2) In cases where such non-Kshatriya male happens to be one, following the ordinary rules of Hindu Law, the share accruing under sub-section (1) (*a*) to his caste widows and his caste lineal descendants, when co-existing with other widows or other lineal descendants or both, will have to be computed together, and the whole portion of the self-acquired or separate property so accruing, allowed to be taken by such persons among them, as is entitled to be the manager of the coparcenary of such heirs under the law governing them, and the same allowed to be divided, by such persons only as are entitled thereto by such law, and in such manner as is required thereby, or otherwise dealt with as laid down thereunder.

Provided that, in the absence of lineal male descendants of caste wives where the deceased has left behind him a caste widow for widows, his mother or other caste heirs according to the law applicable to them, or all, the shares of the caste widow or widows, and his lineal descendants, if any, shall be computed under sub-section (1) clause (*a*) of this section and the same allowed to be taken by the manager of the coparcenary constituted by the caste widow or widows and other heirs according to the law govering them, if any, to be dealt with in the manner required by the same.

Illustrations.

(*a*) A, a Nambuthiri dies leaving behind him B, a Kshatriya widow, C and D, his children by B, E, a caste-widow, and F and G, children by E, and H, a Nayar widow, J and K children by H. B to H, J and K will each be entitled to an 1/9 share in A's separate and self-acquired properties.

(*b*) A, a Nambuthiri, dies, leaving behind him B, a Kshatriya widow, C her son, D and E two daughters by another Kshatriya wife who predeceased him, and F and G two grand-sons by another daughter who had predeceased him, H, a caste widow, and J, a son by her. B to E, H and J will each be entitled to an 1/7 share of the separate self-acquired property of A, and F and G each to an 1/14th share.

(c) A, a Nambuthiri, dies leaving behind him B, a Kshatriya widow, C and D sons by another Kshatriya wife, the marriage with whom was not subsisting on the date of his death, E, a caste widow, F and G children by his caste wives, and H, a widow of another community, the rights of the offspring of marriage with members of which community, to inherit his separate or self-acquired property have not been recognised by any law, or custom or usage having the force of law, and J, his son by H. B to G alone will each get an 1/6 share in his separate or self-acquired property.

(d) A, a Nambuthiri Brahmin, dies leaving behind him, B, a Kshatriya widow, C and D Kshatriya children, E and F members of his Illom other than his caste widow and lineal descendants, G, a Nayar widow, and H and J Nayar children. B to D and G to J will each get an 1/7 share in his self-acquired or separate property and his Illom consisting of E and F will get the remaining 1/7 share.

(e) A, a Tulu Brahmin following the ordinary Mitakshara law of inheritance, dies leaving behind him B, a Kshatriya widow, C, a Kshatriya son, D, a Kshatriya daughter, E, a Nayar widow, F and G children by E, H and J, his caste widows, K and L two sons by caste wives and M, N and O, three daughters by his caste wives, B to G will each be entitled to get 1/13 share in A's separate or self-acquired property, alloting to each of H and J to O an 1/13th share for computation purposes alone. The 7/13th share accruing to them will be allowed to be taken by K, or any other manager of the coparcenary, for the time being, to be disposed of, in the manner allowed by the law governing them.

(f) A, a Tamil Brahmin, dies leaving behind him B, a Kshatriya widow, C, a Kshatriya son, D, a Kshatriya daughter, E and F two caste widows, G a daughter by a deceased caste wife, and H and J two other heirs entitled to hold his property jointly with E and F under the law, as administered in Travancore. B to D will each take an 1/6 share in A's separate or self-acquired property. E to G will be allotted an 1/6 share each for purposes of computation. The aggregate of the share accruing to them *viz.* 1/2, will be handed over to the manager of the coparcenary of which E and F and the other heirs above referred to are members, for being disposed of according to the law governing them.

Devolution of property acquired by gift or bequest.

27. Property acquired by gift or bequest by a Kshatriya wife, or Kshatriya widow, or Kshatriya child or children from the husband or father, as the case may be, after the commencement of this Regulation, shall unless a contrary intention is expressed in the instrument of gift or devise, if any, belong to the wife or widow and each of the children in equal shares.

Possession of intestate estate till division

28. The seniormost Kshatriya male member among the lineal decendants of the intestate, or in the absence of any adult male member, the Kshatriya widow or the oldest of the Kshatriya widows, if there are more than one, shall be entitled to the possession and management of the estate mentioned in Sections 14, 15, 16, 20 and 26

until division is effected. In like manner the Karanavan of the thavazhi mentioned in Sections 18, 19, 21, 22 and 24, shall be entitled to the possession and management of the estate referred to therein, until division is effected.

CHAPTER VI.

TARWAD AND ITS MANAGEMENT.

Powers of Karanavan.

29. The Karanavan shall have the right to be in possession and management of all the properties belonging to the Tarwad, and of the Devaswoms and other institutions of which the tarwad has Uraima or such other right.

Delegation by Karanavan or agents.

30. No Karanavan shall delegate his powers, as such, to any one, but may appoint managers under registered powers of attorney for management, and doing other acts incidental thereto.

Surrender of Karnavan stanam Unilateral.

31. The Karanavan shall have the right to give up the management by a unilateral surrender, evidenced by a registered instrument.

Karanavan to maintain a correct inventory of valuable movables, and to keep accounts.

32. The Karanavan, or the manager of the tarwad for the time being, shall maintain a true and correct inventory of all valuable movables of the tarwad, and keep a correct and true account of all receipts and disbursements of the tarwad. Such inventory and accounts shall be available, on reasonable notice, for inspection by the adult Anandaravans in the tarwad house, or such other place as may be appointed in this behalf by such Karanavan or managing member, and at such times as may be fixed therefor by him. On demand, copies of such inventory or accounts shall be given to any member of the tarwad at his or her cost.

Alienation of tarwad property.

33. (1) Except for consideration and tarwad necessity, and except with the written consent of all the major members of the tarwad no Karanavan or other managing member shall sell immovable properties or valuable movables, belonging to the tarwad, or execute kanam deeds for immovable properties, or mortgage the same with possession, or lease them, for a period of more than 12 years.

Saving as regards renewals of Kanom.

(2) Nothing in this Section shall affect the right of the karanavan to execute solely renewals of kanam deeds that are already in force.

Registry of Kilimanoor lands not affected.

(3) The provisions of this Section shall not apply to the right of registry of unregistered lands in the Kilimanoor and Pazhaya Kunnummel pakuthies or to the disposal of timber, standing or felled, in the forests therein,

34. No mortgage with possession, or lease with a premium for more than one year's rent for a period of twelve years or less, with respect to immovable properties belonging to the tarwad, shall be valid, unless it is executed for consideration and tarwad necessity, with the consent of all the major members of the tarwad. Such necessity shall be presumed to exist if the transaction has the written consent of the senior Anandaravan of the Karanavan's branch and that of every collateral branch, if any.

Mortgages and leases of tarwad property.

35. No debt contracted by the karanavan or managing member shall bind the tarwad, unless it be for tarwad necessity.

Debts when binding.

36. No Karanavan shall, without the written consent of all the adult members of the tarwad invest any holder of tarwad property with the right of erecting any building thereon, or appurtenances thereto intending payment of compensation at redumption or of effecting substantial modifications therein, or of converting the nature of the land, or of planting the same, in any manner prejudicial to the interests of the tarwad, or create other charges thereon, detrimental to the rights of its members.

Charges on tarwad property when not binding.

37. Where the karanavan incurs a debt, alleging the existence of necessity, such necessity shall, as between the creditor on the one part, and the members of the tarwad who have not consented to the debt on the other part, be presumed to have existed, if the creditor after using reasonable care to ascertain the existence of necessity, has acted in good faith.

Presumption regarding necessity.

38. No decree shall bind the tarwad, unless it is obtained against the karanavan, as such, and the senior anandaravan of his thavazhi, and of every other thavazhi collateral to the, same if any.

Decree against tarwad when binding.

CHAPTER VII.

MAINTENANCE.

39. Every member of a tarwad shall be maintained by the tarwad whether such member lives in the tarwad house or not.

Right of maintenance.

No minor member of a tarwad shall be deemed to be entitled to maintenance at a lesser rate than a major, on the mere ground that he or she is a minor.

Explanation.

40. Notwithstanding the provisions for maintenance from the tarwad detailed above, a Kshatriya wife and minor children, except married daughters under the guardianship of their husband, and unmarried major daughters and major sons incapacitated through mental or physical informity, living with the father, shall be entitled to claim the same, from the husband or father, as the case may be.

Right of Kshatriya widows and minor children except unmarried daughters.

41. Every Kshatriya male shall be bound to maintain his non-Khatriya wife and non-Kshatriya minor children, except married daughters under the guardianship of their husbands, and unmarried major daughters and major sons, incapacitated through mental or physical infirmity living with him.

Duty of Kshatriya to maintain non-Kshatriya wives and children.

42. Every Kshatriya, who is unable to maintain himself or herself, as the case may be, shall have the right to be maintained by his or her children, as the case may be, if possessed of sufficient independent means, and every Kshatriya shall be bound, if possessed of such means to similarly maintain his or her non-Kshatriya father unable to maintain himself.

Duty to maintain father.

CHAPTER VIII.

PARTITION.

43. Every member of a tarwad shall have the right to divide himself or herself as the case may be, from the tarwad, by making a demand for the purpose, and on such demand, such member shall be entitled to such share in the tarwad properties as will fall to such member, if a division per capita were made among all the members of the tarwad on the date of such demand.

Right of partition.

Provided that such demand is made in one of the following ways :—

(*a*) by the presentation of a plaint in a suit for partition, or that of a written statement or other pleading claiming a share in a suit for partition ; or

(*b*) by an unequivocal declaration in writing registered in accordance with the law for the time being in force for the registration of documents.

44. Every female member claiming her share of the tarwad properties may also claim the shares of her minor children therein.

Female member entitled to claim the shares of her minor children.

45. (1) Notwithstanding anything, contained in Section 43, any thavazhi or other group of members of a tarwad, shall have the right to divide from the tarwad by making a demand for the purpose, and on such demand, such thavazhi or such other group, as the case

Claim to partion by Thavazhi or thavazhi group.

may be, shall be entitled to such share in the tarwad properties as will be equivalent to the aggregate of the shares of the thavazhi or other group, as the case may be, if a demand be made by each of such members of the thavazhi or group, as the case may be, on the date of the demand.

Provided that the demand by the thavazhi or other group shall be made in such manner as is provided for by Section 43 by all the adult members of the thavazhi or group, as the case may be.

(2) The thavazhi or the group, as the case may be, shall hold such share jointly as if it were tarwad property belonging to such thavazhi or group, with all the rights and obligations incidental to tarwad properties, and such other rights and obligations arising from the provisions of this Regulation.

No alienable or heritable right until partition.

46. Until partition, no member of a thavazhee or group in a tarwad shall be deemed to have a definite share in tarwad property. A demand under Section 43 or 45, as the case may be will also constitute a partition for the purposes of this Section.

When Karanavan or managing member entitled to additional properties.

47. One-fourth of the aggregate made up of the acquisitions, if any, made during a Karanavan's management, with the aid of the income from tarwad property, and the amount of liabilities of the tarwad incurred before he or she became Karanavan, discharged by him or her, as the case may be, after setting off the liabilities incurred during such management, shall be treated as such Karanavan's acquisition at the time of partition.

Procedure when division of property or right is inconvenient.

48. If the property or right rendered divisible under this Chapter is incapable of actual division, or cannot be divided without seriously lessening its value or utility, the enjoyment in common, by turns, as circumstances of the particular case will permit, or in such other manner as may be considered, proper may be made.

Saving regarding Kalimanoor and Poonjar Edavagis.

49. Nothing in this Chapter shall confer any right of partition as regards the rights of the Kilimanoor Estate, as such or as regards the rights of the tarwad of the Poonjar Chief in respect of lands within the limits of the Poonjar Edavagai.

CHAPTER IX

Miscellaneous.

Right, etc., not conferred and unaffected by the Regulation.

50. Nothing in this Regulation shall be deemed to affect any rule of Marumakkathayam law, custom, or usage, except to the extent expressly provided for in this Regulation.

Application for exemption from provisions relating to partition.

51. (1) The majority of the adult members of a Kshatriya Tarwad may apply to Our Government for exemption of their Tarwad from the operation of the provisions of Sections 43 and 45 together or from that of Section 43 alone.]

(2) On receipt of such application, Our Government may cause an enquiry to be made by such authority, and in such manner, as may be prescribed, and if they are satisfied that a majority of the adult members of the Tarwad have signed the application with their free consent, such exemption shall be granted and a notification published in Our Government Gazettee with respect thereto in such form as may be prescribed.

Revocation of such exemption.

52. Upon an application by a majority of the adult members of a Kshatriya Tarwad for revocking the exemption granted under the preceding Section, Our Government shall cause an enquiry, by such authority, and in such manner, as may be prescribed, and shall, on their being satisfied that such majority have signed the application with their full consent, revoke the exemption prayed for by a notification in Our Government Gazette in such form as may be prescribed in that behalf.

Rules.

53. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the foregoing power, such Rules may ;

(*a*) constitute the authority empowered to register marriages under Section 4, and record dissolutions thereof, and prescribe the forms of application and the procedure to be adopted, by the authority so constituted;

(*b*) regulate the conditions to be satisfied, the fees to be paid, the forms of the certificates to be issued on, and such other matters necessary for, and incidental to, such registration;

(*c*) prescribe the fees to be paid for the transmission of copies of orders of dissolution under Section 10;

(*d*) prescribe the forms of the application for exemption under section 51, and the revocation thereof under Section 52, and the authority which should conduct the enquiries relating thereto, and the nature of, and the procedure to be followed in such enquiries on such applications, and the forms of the notifications in Our Government Gazette relating to the grant of such exemption or the revocation thereof.

(3) The Rules made under this Regulation shall be published in Our Government Gazette and thereupon shall have the force of law.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

Supplement H.

AILL TO AMEND THE WILLS REGULATION VI OF 1074.

(As settled by the Council.)

Whereas it is expedient to amend the Wills Regulation, VI of 1074, for purpose hereinafter appearing; It is hereby enacted as follows:—

1. This Regulation may be called "The Travancore Wills (Amendment) Regulation 1108" and it shall come into force at once.
2. Omit Section 8 as a whole.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

Appendix I.

***Vide* Answer to Question No. 117.**

Statement containing particulars *re* demand notice fees in the Kartikapalli and Mavelikara taluks in 1104, 1105 and 1106.

Taluk.	The amounts realised under the head of demand notice fees in 1104 Rs.	ch	c.	1105 Rs.	ch	c.	1106 Rs.	ch	c.	The number of demand notices for which fees have not been recovered in 1106, in pursuance of G. O. R. O. C. No. 2764 of 31/Rev. dated 14-7-1931.	Whether demand notice fees have been recovered in 1107 for any of the cases referred to in part (b) and if so the number of such cases.	Whether all the fees realised under part (a) for the second half of 1106 have been treated as advance payment for the first instalment of 1107.	If the answer to part (d) is in the negative, the number of cases in which the fees so realised have not been credited as advance payment and the reason for the same	What they propose to do with regard to cases falling under part (e) and to those in which the fees recovered is more than the tax for 1107.
Kartigapalli	3,635	0	0	4,053	20	0	4,128	4	0	3,126	Nil.	The amount has not been treated as advance payment for the 1st instalment of 1107.	4697 The fees could not be adjusted as no amount was pending from the persons concerned when G. O. R. O. C. 2764 of 31/Rev., dated 16-4-32 (L. R. C.'s letter C. No. 1897/31) was received.	No definite instructions have been received in the matter. The amount of demand notice fees in cases in which it is more than the tax for 1107, may be adjusted in 1108 and subsequent years, if Government sanction the same.
Mavelikara	3,877	0	0	3,812	24	0	4,398	0	0	4,593	1108	Do.	5811	

Supplement.

THE TRAVANCORE CHITTIES REGULATION OF 1094 (III of 1094) AMENDMENT BILL.

AS SETTLED BY THE COUNCIL.

A BILL FURTHER TO AMEND THE TRAVANCORE CHITTIES REGULATION OF 1094.

Whereas it is expedient further to amend the Travancore Chitties Regulation of 1094 (III of 1094, as amended by Regulations VII of 1097 and I of 1101) for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Regulation may be called the Travancore Chitties (Amendment) Regulation, 110 .

(2) It shall come into force at once.

Amendment of Section 3.

2. In Section 3 of the Travancore Chitties Regulation of 1094, III of 1094, as amended by Regulations VII of 1097 and I of 1101 (hereinafter referred to as the said Regulation), after clause (11) the following clause shall be added, namely

"(12) 'Amendment Regulation' means the Travancore Chitties (Amendment) Regulation, 110 ".

Addition of new Sections 52 and 53.

3. In the said Regulation, after Section 51, the following Sections shall be added, namely:—

Resolution for altering chitty dates.

"52. (1) Notwithstanding anything contained in the foregoing provisions, the date of any instalment, or the dates of the instalments, in a Chitty, as well as the date on which the chitty is to terminate, may be altered by a resolution passed at a meeting, convened for the purpose, of the general body of the subscribers, by a majority of not less than two-thirds in number of the subscribers present at the meeting. On such resolution being passed, the altered dates shall be deemed to be the provision of the Variola as if originally contained in the Variola and shall be subject in like manner to further alteration by a resolution similarly passed:

Provided that neither the date of any instalment in a chitty nor the date for the termination of a chitty shall, by such resolution, be postponed beyond one year from the date of the passing of the Amendment Regulation.

Explanation.—A subscriber may be present and vote at a meeting either in person or by proxy.

(2) A true copy of every such resolution shall be filed by the foreman with the Registrar within twenty-one days of the date of the resolution, in default of which the foreman shall be liable to a fine not exceeding one hundred rupees; and every subscriber shall be supplied by the foreman with a true copy of the resolution in default of which the foreman shall be liable to a fine not exceeding ten rupees.

(3) When the date of any instalment in a chitty is postponed by a resolution passed under sub-section (1) the amount of the subscription due from the prized subscribers shall carry interest at the rate of six per centum per annum from the original date of the instalment to the date to which the instalment was postponed, and such interest shall for all the purposes of this Regulation and of the contract between the parties be deemed to have become a part of the subscription due for the instalment. The amount of such interest shall, on the date to which the instalment was postponed, be distributed by the foreman amongst the non-prized subscribers rateably according to the value of the ticket held by each, provided that no defaulting subscriber shall be entitled to receive any amount in the distribution.

Illustration. – (*a*) If the date of an instalment in a chitty is postponed from the 1st Chingam to the 1st Kumbham and the subscription due from a prized subscriber is Rs. 100, he will have to pay Rs. 103 on the 1st Kumbham; if by his default to make payment on that date he becomes liable to pay in a lump the defaulted as well as all the future subscriptions, the subscription due on the 1st Kumbham will be taken to be Rs. 103.

(*b*) If there are ten prized subscribers in the chitty each having to pay a subscription of Rs. 100, which by the addition of interest is enhanced to Rs. 103, the total amount representing the interest portion of the subscriptions is Rs. 30; this amount, whether actually collected or not, shall be distributed by the foreman amongst the non-prized subscribers; or if any non-prized subscriber so agrees, may be credited towards the subscription due from him. If any non-prized subscriber becomes a defaulter as regards the payment of his subscription he will not be given any portion of the interest, and what was allotable in respect of his ticket will be taken by the foreman.

(4) (*a*) The foreman may convene the meeting referred to in sub-section (1) on his own initiative, and

(*b*) the foreman shall convene such a meeting on the requisition of not less than twenty-five per cent. of the number of subscribers, and if the foreman refuses or omits to call the meeting to take place within twenty-one days of the receipt of such requisition more than fifty per cent. of the number of subscribers may convene the meeting; and the foreman so refusing or omitting to call the meeting shall, on conviction be liable to a fine which may extend upto one hundred rupees.

(*c*) In very case of a meeting being convened, not less than fourteen days' notice shall be given to the subscribers specifying the date, hour and place of meeting.

Punishment for partaking in transactions declared void by Section 4.

53. Any person who conducts or is responsible for the conduct of any transaction of the nature of those declared void by Section 4 and any person who pays any money towards any such transaction or collects or solicits any money for any such transaction shall be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both"

A. KUMARA PILLAI,

Secretary to the Legislative Council.

INDEX

TO THE

TRAVANCORE

LEGISLATIVE COUNCIL PROCEEDINGS.

Vol. XXII.

	Pages
A	
Adjournment Motion.	
Fall in the price of copra ..	107-130
Abraham, Mr. K. P.	
Adjournment motion	
Fall in the price of copra ...	118
Bills	
The Chitties Regulation Amendment Bill—Introduction of ...	71, 91-94, 96, 97, 571
,,— second reading of ...	597, 715, 717, 740-749, 752, 754, 756, 781
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	16, 29, 30, 39-41 49, 60, 406, 412, 429, 430, 447, 505, 523
,,—Third reading of ...	699, 700
The Municipal Regulation Amendment Bill—second reading of ...	144, 149, 174-177, 347
The Provident Insurance Societies Bill—second reading of ...	541, 558, 565
Demands for Supplementary Grants	
Education ...	279-281
Industrial Loans ...	342, 343
Industries Department ...	224
Medical Department ...	229, 238, 239
Police ...	318, 322
Public Works ...	307, 311
Questions—	
Account Code ...	2
Chitties—statement of ...	63

	Pages
Abraham, Mr. K. P.—(*contd.*)	
Questions—(*contd.*)	
Land Assignment Rules—concessions under the..	608
Land Mortgage Bank ...	137
Prisoners—seating accommodation for the ...	131
Registry of lands in Devicolam ...	291
Superior officers—Judicial Department ...	685
Export duty on products of the cocoanut tree—abolition of ...	644, 659
Assignment of lands on the sides of the Neriamangalam—Pallivasal Road—	
(Vide Questions and Answers.)	
B	
Bhattathiri, Mr. C. P.	
Bill	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	17, 391, 395-398 489-496
,,—Third reading of ...	706-707
Bills—	
The Chitties Regulation Amendment Bill ...	68-107
—introduction of ...	569-579
,,—second reading of ...	579-601, 710-735, 739-791
,,—third reading of ..	797-798
The Cutchi Memons Bill—Introduction of ...	620-622
The Travancore Insolvency Bill—second reading of ...	567-569
,,—third reading of ...	708-709
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	5-62, 389-450, 471-525,
,,—third reading of ...	692-707
The Travancore Kshatriya Bill—second reading of ...	612-619
,,—third reading of ...	709
The Municipal Regulation Amendment Bill second reading of ...	139-206, 343-374, 383-389
,,—third reading of ...	707
The Travancore Muslim Succession Bill—third reading of ...	611-612

	Pages
Bills—(*contd.*)	
The Travancore Police Regulation Amendment Bill—third reading of ...	708
The Travancore Provident Insurance Societies Bill—second reading of ...	537-567
„—third reading of ...	709
The Travancore Town Planning Bill—third reading of ...	707-708
The Travancore Wills Regulation Amendment Bill—second reading of ...	619-620
„—third reading of ...	709-710

C.

Chattanatha Karayalar, Mr. S.	
Bills	
The Chitties Regulation Amendment Bill—introduction of ...	88, 574
„—second reading of ...	730-731, 758-760
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	31-33, 429
The Municipal Regulation Amendment Bill—second reading of ...	160, 190, 347, 358, 359, 367, 369, 372, 385, 386
The Provident Insurance Societies Bill—second reading of ...	540, 541, 546-548, 556, 562, 565
Demands for Supplementary Grants—	
Anchal ...	336, 337
Ayurveda Department, etc. ...	254, 255
Education ...	260, 261
General Administration ...	325
Industrial Loans ...	341, 343
Industries Department .	223
Medical Department ...	227
Public Works ...	308-309, 313
Questions—	
Aerodrome at Trivandrum ...	297
Approach road ...	690
Electrical energy—supply of ...	527
Pier at Alleppey—construction of ...	793

Pages

Chattanatha Karayalar, Mr. S.(*contd*).—
Questions.(*contd.*)—
Rental—arrack and toddy shops ... 604
Statistics—collection of ... 690
Tax—on motor vehicles levy of ... 212
Water supply schemes—award of grants for ... 793
Resolution—
Export duty on products of the cocoanut tree—abolition of ... 652, 668

Chandy Mr. K. C.

Bill—
The Jenmi and Kudiyan Regulation Amendment Bill ... 414

Chandy, Mrs. Anna

Bill—
The Municipal Regulation Amendment Bill—second reading of ... 145
Question –
Inspectress and Head Mistresses—qualification for ... 608

D

Damodaran Asan, Mr. A. S.
Adjournment motion–
Fall in the price of copra ... 109, 110, 115, 124

Bills—
The Chitties Regulation Amendment Bill—introduction of ... 79, 81, 82, 90, 572
" —second reading of ... 581, 593, 599, 600, 716, 720, 722, 723, 733, 743, 749-751, 759, 762, 769, 771, 775, 783-788

	Pages
Damodaran Asan, Mr. A. S.(*contd.*)—	
Bills (*contd.*)—	
The Jenmi and Kudiyan Regulation Amendmeet Bill – second reading of ...	8-10, 12, 25-33, 43-46, 49-53, 59, 62, 393, 395, 405-408, 413, 417, 419, 421, 422, 425, 426, 428, 429, 432, 434, 441, 475, 485, 486, 491, 500, 505, 508-510, 513, 514, 519, 523, 524
The Municipal Regulation Amendment Bill—second reading of ...	142, 151-153, 166, 172, 184, 202-203, 351-353, 357, 358, 366, 367
The Provident Insurance Societies Bill—second reading of ...	540, 541, 553, 554, 556, 559, 565, 566
Demands for Supplementary Grants—	
Anchal ...	335
Ayurveda Department, etc. ...	252-254
Census ...	329
Education ...	262, 264, 271, 273, 275, 277, 283, 285
Industrial Loans ...	342
Industries Department ...	220-222
Medical Department	235, 240, 246
Public Works ...	309
Questions—	
Agricultural schools—concession to students in the ...	299
Clerks (acting)—Survey Department ...	379
Compassionate allowance ...	380
Constable – qualification for	214
Demand notice fees—recovery of ...	794

	Pages
Damodaran Asan, Mr. A. S. (*contd.*)—	
Questions (*contd.*)—	
Leper Asylum ...	454
,, report about the location of ...	460
,, site for the ...	458
Market—shifting of ...	294
Music tests - rule regarding the ...	534
Offices—list of ...	691
Onattukara Karshaka Samajam—resolutions passed by the ...	610
Primary school for girls—Cheruvallur ...	535
Pulayas—entry into the Fort ...	737
Silt—removal of from the canal ..	134
Surveyors—list of ...	531
Export duty on products of the cocoanut tree abolition of ...	624-630, 641-644, 660, 661, 663, 664, 669, 670, 672, 674-679, 683
Demands for Supplementary Grants—	
Administration of Justice ...	326-327
Anchal ...	332-340
Census ...	327-329
Chemical Examiner—Ayurveda Department including grants to institutions, honoraria to Vaidyans and Sanitary Department ...	248-256
Education ...	256-290
General Administration ...	324-326
Industrial Loans ...	340-343
Industries ...	219-226
Medical Department ...	226-248
Police ...	317-324
Public Works ...	302-317
Registration ...	329-332
Deputy President—	
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	577
,, second reading of ...	579, 601, 750, 751, 752, 768, 788

	Pages
Deputy President (*contd.*)—	
Bills (*contd.*)—	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	39-41, 46, 53-57, 59, 60, 62, 421, 422, 424-426, 435, 438, 445-450
The Municipal Regulation Amendment Bill—second reading of ...	361, 364, 369, 371, 374
Demands for Supplementary Grants—	
Education ...	260-264, 271, 276, 280-282, 286, 287
Farewell to the members— ...	799
Ruling *re* (Miscellaneous)	
Every member has a right to make his own observations on the matter in issue ...	56
„ Incidental reference to questions of policy with regard to our connection with British Indian Government can be allowed...	112
G	
George, Mr. K.—	
Adjournment motion—	
Fall in the price of copra ...	108, 109, 113-117, 124, 125, 129, 130
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	71, 85, 571
„ second reading of ...	592, 594, 779
The Municipal Regulation Amendment Bill—second reading of ...	157, 163, 175, 190-192, 361, 373
The Provident Insurance Societies Bill—second reading of ...	561
Demands for Supplementary Grants—	
Ayurveda Department, etc., ...	251, 253
Education ...	266, 267, 272, 284
General Administration ...	324, 325
Medical Department ...	227-230, 235
Registration ...	329-332
Resolution *re*	
Export duty on products of the cocoanut tree—abolition of ...	667, 678, 680

	Pages
Gopalakrishna Pillai, Mr. K.—	
Adjournment motion—	
Fall in the price of copra ...	127-129
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	100, 104, 572, 573 583, 728
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	416, 417 479, 512, 514, 521
,, Third reading of ...	702
The Municipal Regulation Amendment Bill—second reading of ...	146, 162-165, 176 353-355, 367
Demands for Supplementary Grants –	
Census ...	327
Education ...	275, 276, 277
Industrial Loans ...	342
Medical Department ...	231, 236, 237, 241, 242
Questions –	
Arakkal kadavu road ...	375
Bridge at Kottuchirapatom ferry—construction of ...	136
Courts—inspection of ...	686
Judicial Department—list of holdiays for the ...	207
Labour—condition of ...	138
Laws Delays report—action taken on ...	738
Road—Parur to Kuriyapalli ...	796
Resolution *re*	
Export duty on products of the cocoanut tree—abolition of ...	647-649, 656-658, 680
Govindan, Mr. M.—	
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	93 96, 99
,, second reading of ...	719, 720, 742, 770, 771, 772, 774
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	56 417, 420, 421

	Pages
Govindan, Mr. M. *(contd.)*—	
Bills *(contd.)*—	
The Municipal Regulation Amendment Bill—second reading of ...	184, 186-188, 194, 196, 197
Demands for Supplementary Grants—	
Ayurveda Department, etc. ...	252
Education ...	264
Medical Department ...	239
Public Works ...	313
K	
Karunakaran, Mr. K. C.—	
Adjournment motion—	
Fall in the price of copra ...	107-113, 123, 129, 130
Resolution—	
Export duty on products of the cocoanut tree abolition of ...	641 659-664, 671, 674
Kochukora Tarakan, Mr. K. P.—	
Bill—	
The Jenmi and Kudiyan Regulation Amendment Bill second reading of ...	429, 507
Demands for Supplementary Grants—	
Administration of Justice ...	326
Education ...	260-263, 266, 267, 270-272, 278, 279
General Administration ...	325, 326
Medical Department ...	246-248
Police ...	322, 323
Public Works ...	304-307, 315, 316
Krishnan Nayar, Mr. K.—	
Bills—	
The Chitties Regulation Amendment Bill—second reading of ...	715
The Provident Insurance Societies Bill second reading of ...	540
Demands for Supplementary Grants—	
Education ...	272
Public Works ...	307
Questions—	
Co-operative Bank—working of ...	382
Eralkars and Pulkars—extent of ...	65
Grant-in-aid Schools ...	3
Newspaper cuttings ...	1
P. W. D. subordinates ...	462
Teaching staff of English Schools ...	3

	Pages
Krishna Pillai, Mr. E. V.—	
Adjournment motion—	
Fall in the price of copra ...	109, 119, 121, 123-125, 130
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	69, 78-80, 104
The Chitties Regulation Amendment Bill—introduction and second reading of ...	573
,, second reading of ...	712, 714, 729, 731, 741-743, 750-762, 767-772, 779, 785, 788
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	10, 32, 35, 36, 52, 43, 46, 53, 55, 58, 59, 392 404, 405, 407, 418, 420, 421, 424, 433 473, 478, 482, 485, 496, 499, 507-515, 520-521, 525
,, Third reading of ...	702
The Municipal Regulation Amendment Bill—second reading of ...	140, 141, 146, 147, 149, 152, 155, 156, 159, 161, 183, 188, 203, 205, 206 343, 344, 346, 352-357, 361, 368, 369, 372, 373, 384, 386, 387
The Provident Insurance Societies Bill—second reading of ...	539, 547, 558-561
Demands for Supplementary Grants—	
Ayurveda Department, etc. ...	249, 250, 253-256
Census ...	329
Education ...	256, 257, 260, 261, 263
Industries Department ...	220

	Pages.
Krishna Pillai Mr. E. V. (*contd.*)—	
Demands for Supplementary Grants (*contd.*)—	
Medical Department ...	226, 230, 234-236, 238, 240-242, 248
Police ...	319, 322, 323
Public Works ...	306, 308, 315
Registration ...	330
Krishna Pillai, Mr. N. K.—	
Bills—	
The Chitties Regulation Amendment Bill—Introduction of ...	575, 576
The Municipal Regulation Amendment Bill—second reading of ..	147, 192
The Provident Insurance Societies Bill—second reading of ...	540, 549
Demands for Supplementary Grants—	
Anchal ...	334
Education ...	278
Industries Department ...	222
Questions—	
General Hospital—operations in the ...	530
Inspector of Police, Mr. Vaidyanatha Iyer—complaints against the ..	218
Minor Irrigation Committee report—action on the ...	213
Police excesses—enquiry into ...	611
Recruitment—Police Department ...	603
,, Traffic Department ...	603
Remission of tax ...	453
Retrenchment—salaries of Police Officers ...	604
Vocational training introduction of ...	738
Krishna Pillai, Mr S.—	
Adjournment motion—	
Fall in the price of copra ...	110, 118, 125
Bills—	
The Chitties Regulation Amendment Bill—introduction of ..	72, 73, 77, 80-90, 102, 107
,, second reading of ...	570, 571, 575, 579-582, 589-595, 597-599, 601, 710-712, 717-719, 722-735

	Pages.
Krishna Pillai, Mr. S. (*contd.*)—	
Bills (*contd.*)—	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	11, 13, 18, 19 22, 25, 31-33 36, 54-56, 59 60, 403, 419 420, 423 431 439-441, 445 485, 487, 510 511
,, —Third reading of ...	700-702,
The Insolvency Bill—second reading of ...	567, 568
The Municipal Regulation Amendment Bill—second reading of ...	143 148, 153-158, 160, 169, 170, 174, 175, 185, 348, 349, 353, 354, 359, 367, 368, 370
The Providence Insurance Societies Bill—second reading of ...	560, 561, 562, 566
Demands for Supplementary Grants—	
Administration of Justice ...	327
Anchal ...	333-335, 337-340
Ayurveda Department, etc. ...	250, 255
Census ...	327
Education ...	267-270, 272-275, 280, 283-285
General Administration ...	324, 325
Industrial loans ...	341-343
Industries Department ...	225
Medical Department ...	230-235, 241-244, 247, 248
Public Works ...	310-314
Registration ...	330, 331, 332
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	628, 646, 653-656, 680, 681

	Pages.
Kumara Pillai, Mr. A.—	
Bills—	
Cutchi Memons Bill—introduction of ...	622
The Municipal Regulation Amendment Bill —second reading of ...	173
Demands for Supplementary Grants –	
Ayurveda Department, etc. ...	248-256
Kunjan Pillai, Rao Sahib Dr. N.—	
Bills—	
The Chitties Regulation Amendment Bill— introduction of ...	106, 107 569-571
Demands for Supplementary Grants—	
Census Department ...	327-329
Resolution—	
Export duty on products of the cocoanut tree— abolition of ...	668-670, 677
Kunjitomman, Mr. Tariatu.—	
Bills—	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	406, 434, 442, 443
The Municipal Regulation Amendment Bill— second reading of ...	163-174, 176, 177, 187
Demands for Supplementary grants—	
Public Works Department ...	306
Resolution—	
Export duty on products of the cocoanut tree— abolition of ...	629-633, 665-667, 670-674, 676, 682
Kunju, Mr. Joseph—	
Bills—	
The Chitties Regulation Amendment Bill— second reading of ...	715, 743-745, 747-749, 751, 758, 759, 763, 781
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	50, 51, 394, 414, 440, 443

	Pages
Kunju, Mr. Joseph—(*contd.*)	
Bills—(*contd.*)	
The Municipal Regulation Amendment Bill—second reading of ...	167, 172 179, 180
Demands for Supplementary Grants—	
Census ...	328, 329
Education ...	264, 286
Medical Department ...	228, 236, 239, 245-247
Police ...	318, 322
Questions—	
Appointment of Municipal Presidents as Division Assistants ...	462
Mr. Kunnappallil Raman Pillai—complaint against ...	299
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	672
Kunjukrishna Pillai, Mr. K.—	
Adjournment motion—	
Fall in the price of copra ...	111-113, 117, 120, 128
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	71, 96-101, 103, 576
„ second reading of ...	583-585, 594 739, 740, 764-766, 771, 772, 774
The Cutchi Memons Bill—introduction of ...	621, 622
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	10, 55, 56 421, 422, 425 430, 449, 476, 479, 500
The Municipal Regulation Amendment Bill—second reading of ...	149, 151, 159-162, 169, 180, 199, 361, 371, 385
The Provident Insurance Societies Bill—second reading of ...	547, 553, 554
Demands for Supplementary Grants—	
Anchal ...	332, 339

	Pages
Kunjukrishna Pillai, Mr. K.—(*contd.*)	
Demands for Supplementary Grants—(*contd.*)	
Ayurveda Department, etc. ...	250
Education ...	260, 262, 265
Industrial Loans ...	341-343
Industries Department ...	220
Medical Department ...	228, 230, 234, 235, 241, 246, 248
Police ...	324
Public Works ...	307-309
Questions.—	
Computor—draftsmen—re-employment of ...	606
Customs Office—working of—enquiry into the ...	607
Radio sets ...	376
Schools—strength of a class in the ...	298
Subordinates—Survey and L. R. M. Dept. ...	379
Travancore Special Marriage and Succession Bill—leave to introduce ...	605
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	627, 633-636, 639, 640, 645-648, 655, 679-682
M	
Madhavan, Mr. C. O.	
Adjournment motion.—	
Fall in the price of copra ...	118-124, 130
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	625, 628, 638-649, 679-682
Madhavan Pillai, Mr. K.	
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	75
,,—second reading of ...	582
The Municipal Regulation Amendment Bill—second reading of ...	141, 144, 145 152, 348, 350, 356, 358, 359
Cutchi Memons Bill—introduction of ...	521
Demands for Supplementary Grants—	
Anchal ...	334
Ayurveda Department, etc. ...	255
Industrial Loans ...	342

Madhavan Pillai, Mr. K. (*contd.*)—	
Questions—	Pages
Gold—export of from the State ...	210
Irrigation tanks—list of ...	212
Minor Irrigation Committee—report of the ...	211
Sub-Registry offices ...	211
Supply of water ...	137
Resolution—	
Export duty on products of the cocoanut tree—abolition of	627, 639, 640, 642, 643, 651, 654, 655
Madhavan Pillai, Mr. K. P.—	
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	572
„ second reading of ...	582, 584, 740, 746, 747, 762, 767, 772, 778
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	522
The Provident Insurance Societies Bill—second reading of ...	543-546, 554
The Travancore Municipal Regulation Amendment Bill—second reading of ...	386
Questions—	
Cart road—construction of ...	688
Court—establishment of ...	691
Cases on the file of the First Class Magistrate's Court, Kottayam ...	376
Hydro-Electric Scheme—expenditure on ...	687
Municipal town—formation of a ...	213
P. W. D. Works—delay in execution ...	380
Resolution—	
Export duty on products of the coconut tree—abolition of ...	659
Mahomed, Mr. P. S.—	
Adjournment Motion—	
Fall in the price of copra ...	125, 127
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	70
„—second reading of ...	584

	Pages
Mahomed, Mr. P. S. *(contd.)*—	
Bills *(contd.)*—	
The Chitties Regulation Amendment Bill—second reading of *(contd.)*	754, 755, 775-783
Cutchi Memons Bill—introduction of ...	620-622
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	22, 34, 441, 480, 519-520
Muslim Succession Bill—third reading of ...	611-612
The Provident Insurance Societies Bill—second reading of ...	544, 545, 546, 547
The Travancore Municipal Regulation Amendment Bill—second reading of ...	139, 159, 171, 177-180, 350, 352, 354, 355
Wills Regulation Amendment Bill—second reading of ...	619, 620
„—third reading of ...	709
Demands for Supplementary Grants—	
Anchal ...	336
Education ...	272, 274, 275, 285, 286
Medical Department ...	233, 242-245
Police ...	320
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	645, 649. 665-667, 670-675
Mahomed Mustapha, Mr. M.—	
Bills—	
Cutchi Memons Bill—introduction of ...	621
Muslim Succession Bill—third reading of ...	611-612
Wills Regulation Amendment Bill—second reading of ...	619, 620
McAlpine, Mr. E. G.—	
Demands for Supplementary Grants—	
Education ...	256-260, 267, 269, 271, 273, 278-283

	Pages
Narayana Menon, Mr. M. N.—	
Bills—	
The Jenmi and Kudiyan Regulation Amendment Bill ...	394, 438
,,—second reading of ...	483, 484
The Provident Insurance Societies Bill—second reading of ...	543
Demands for Supplementary Grants—	
Education ...	274
Medical Department ...	244
Oath of office ...	1
Questions—	
Agricultural loans ...	470
Co-operative Institutions—encouragement of ...	469
Co-operative movement ...	470
Manual training teachers—allowance to ...	536
Petrol—duty on ...	605
Public Works—contracts ...	605
Vocational training—report on the ...	739
Water—supply of ...	690
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	636-638, 973
Narayana Pillai, Mr. A.—	
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	570, 573
,,—second reading of ...	714, 716
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	38, 41, 57, 58, 393, 394, 432, 437, 441, 444, 479-483
The provident Insurance Societies Bill—second reading of ...	540,542,546,547
Demands for Supplementary Grants—	
Administration of Justice ...	326
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	644,645,665-667

	Pages
Narayana Pillai, Mr. B.—	
Demands for Supplementary Grants—	
Police	317-323
Oath of office ...	1
Narayana Perumal Nadar, Mr. K.	
Bills —	
The Chitties Regulation Amendment Bill—introduction of ...	105,106
The Municipal Regulation Amendment Bill—second reading of ...	161
Demands for Supplementary Grants—	
Anchal ...	333
Census ...	328
Education ...	277,281
Industries Department ...	221
Medical Department ...	228,240,241
Police ...	321
Questions—	
Bridge—construction of, over the Pazhayar river ...	685
Bridge over the Pazhayar ...	293
Cart road—conversion into ...	737
Channel—extension of the ...	134
Chintamani system of treatment ...	64
Communications—allotment for the ...	135
Covenanted officers—salaries cut ...	216
Culvert—construction of ...	687
Doctors—attendance of ...	610
Examination results ...	528
Fruit Farm ...	133
Grant of special pay ...	3
Land tax—rates of ...	691
Major operations ...	529
Municipal Council Members, Nagercoil ...	1
Paddy lands—assessment on ...	528
Pokkuvaravu cases—disposal of ...	296
Poramboke lane ...	794
Public works allotment ...	451
Punishment ...	380
Road—Kottar—Rajakamangalam—pathway in the ...	603
Tax—reduction of, on wet lands ...	131
Teachers—qualification of ...	132
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	649,652

	Pages
Nilakanta Pillai, Mr. K. P.—	
Adjournment motion.—	
Fall in the price of copra ...	107,114,116, 117,119
Bills.—	
The Chitties Regulation Amendment Bill—	
introduction of ...	83,90,100-105
second reading of ...	581,583,589,599 725,730,731,748, 751-753,759-764,766,777,778, 784-787,789
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	43-45,51,52 411,413,415,416, 418,449 471-475,488, 492-494,498, 499,515
The Municipal Regulation Amendment Bill—second reading of ...	147,148,151 152,186,188-192,196-198, 200-202,204, 205,359,372, 373,383-388
The Provident Insurance Societies Bill—second reading of ...	538-542,548, 553-557,564-567
Demands for Supplementary Grants.—	
Ayurveda department, etc. ...	249,251-253
Education ...	256-260,264-266,276,277, 281,284,285, 287
Industrial loans ...	341-343
Industries Department ...	226
Medical Department ...	226-227,238-240
Police ...	323,324
Public Works ...	307
Registration ...	331
Questions.—	
Airur—Chirakkara Road ...	796
Flood damages ...	293
Irrigation tanks—improvement of ...	375
Nilakanta Pillai, Mr. N.—	
Oath of office ...	1

	Pages
Nilakanta Pillai, Mr. R.—	
Adjournment motion.—	
Fall in the price of copra ...	111,116,127
Bills.—	
The Chitties Regulation Amendment Bill—introduction of	575
„—second reading of ...	724
The Municipal Regulation Amendment Bill—second reading of ...	139,165,389
The Provident Insurance Societies Bill—second reading of ...	554,555
Demands for Supplementary Grants.—	
Ayurveda Department, etc. ..	251
Education	267,272,282
Resolution—	
Export duty on products of the cocoanut tree—abolition of	625-633
P	
Padmanabha Panikkar, Mr. K.—	
Questions.—	
Appointments (acting) ...	451
Food analyst—appointment of ...	64
Head Mistresses and Assistant Inspectress—qualification for appointment ...	609
Road—Tondankulangara to Munro Light ...	63
Rule—seniority in service ...	533
Resolution —	
Export duty on products of the cocoanut tree—abolition of ...	648,660,661, 663
Padmanabha Pillai, Mr. N. K.—	
Demands for Supplementary grants.—	
Industrial loans ...	340-343
Industries Department ...	219-226
Paramesvaran Pillai, Mr. Kayalam.—	
Bills.—	
The Chitties Regulation Amendment Bill—introduction of ...	68-83,85-90,93-95,98,99,577,578
„ – second reading of ...	579,586-591, 594-596,599, 600

Paramesvaran Pillai, Mr. Kayalam—(*contd.*)	Pages
Bills—(*contd.*)	
The Chitties Regulation Amendment Bill	
,,—third reading of ...	797,798
The Insolvency Bill—second reading of ...	567-569
,, ——third reading of ...	708,709
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	5,12-16,18-23, 30,34-41,46-51,55,57,58, 60-62 389-391,395, 397,399-404, 407-412,415-421,426,427, 432-434,436, 439-443,445, 447-449,472-475,477,486, 488-492,497-508,517,518, 523-525
,,—third reading of ...	692-699
The Municipal Regulation Amendment Bill—second reading of ...	139,142-150, 153,157,158, 168,169,176, 186,194,197-199,201-203, 205,206,344-346,352-359, 363,365-368, 371,373,387-389
,,——third reading of ...	707
The Police Regulation Amendment Bill—third reading of ..	708
The Provident Insurance Societies Bill—second reading of ...	537,549,556, 561,566,567
,,— third reading of ...	709
The Travancore Town-Planning Bill—third reading of ...	707,708
The Wills Regulation Amendment Bill—second reading of ..	620

Paramesvaran Pillai, Mr. Kayalam.—(*contd.*)

	Pages
Demands for Supplementary Grants—	
Administration of Justice ...	326
Anchal ...	339
Ayurveda department, etc. ...	255
Education ...	287
General Administration ...	325,326
Medical Department ...	227,230,237, 238
Point of order—	
In the Jenmi Kudiyan Bill a section which deals about the enhancement or reduction of jenmikaram has nothing to do with the interest on the kanom amount of kanartham ...	14, 15
Whether, when an amendment relates to the deletion of a clause, discussion about the contents of the clause is in order ...	20
Resolution	
Export duty on products of the cocoanut tree—abolition of ...	627, 649-652, 683

President.—

Bills—	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	12, 15, 17, 20, 30, 479
The Municipal Regulation Amendment Bill—second reading of ...	186, 188, 189, 194, 199
Demands for Supplementary Grants—	
Anchal ...	333, 334, 337-340
General Administration ...	326
Industries Department ...	220, 223, 224, 226
Medical Department ...	227, 230, 236, 240, 248
Police ...	322-324
Public Works ...	304, 309, 315
Rulings	
In discussing a section which relates to the enhancement or reduction of jenmikaram, question of the kanom amount or kanartham does not arise ...	15

	Pages
President—(*contd.*)	
When a whole chapter or clause is under discussion, an amendment which relates to a portion of the clause or chapter and discussion thereon are quite out of place and therefore disallowed ...	17, 20
Q	
Questions and An	
Account Code ... (Abraham, Mr. K. P.)	2
Aerodrome at Trivandrum ... (Chattanatha Karayalar, Mr. S.)	297
Agricultural loans ... (Narayana Menon, Mr. M. N.)	470
Agricultural schools—concession to students in the . (Damodaran Asan, Mr. A. S.)	299
Applicants to the Medical College statement of . (Raja, Mr. Rama Varma)	292
Appointment of Municipal President as Division Assistant ... (Kunju, Mr. Joseph)	462
Appointments (acting) ... (Padmanabha Panikkar, Mr. K.)	451
Approach road , (Chattanatha Karayalar, Mr. S.)	690
Arakkal Kadavu road ... (Gopalakrishna Pillai, Mr. K.)	375
Assignment of lands ... (Raja, Mr. Rama Varma)	2
Bridge at Kottucheriapatam ferry—construction of ... (Gopalakrishna Pillai, Mr. K.)	136
Bridge, construction of—over the Pazhayar river ... (Narayanaperumal Nadar, Mr. K.)	685
Bridge over the Pazhayar . (do.)	293
Cart road—conversion into ... (do.)	737
,, construction of ... (Madhavan Pillai, Mr. K. P.)	688

Questions and Answers.—(*contd.*)	Pages
Cases on the file of the First Class Magistrate's Court, Kottayam ... (Madhavan Pillai, Mr. K. P.)	376
Channel extension of the ... (Narayanaperumal Nadar, Mr. K.)	134
Chintamani system of treatment ... (do.)	64
Chitties--statement of ... (Abraham, Mr. K. P.)	63
Clerks (acting)—Survey Department ... (Damodaran Asan, Mr. A. S.)	379
Communications—allotment for the .. (Narayanaperumal Nadar, Mr. K.)	135
Compassionate allowance ... (Damodaran Asan, Mr. A. S.)	380
Computor-draftsmen-re-employment of ... (Kunjukrishna Pillai, Mr. K.)	606
Constable—qualifications for ... (Damodaran Asan, Mr. A. S.)	214
Co-operative Bank—working of ... (Krishnan Nayar, Mr. K.)	382
Co-operative Institutions encouragement of ... (Narayana Menon, Mr. M. N.)	469
Coo-perative movement ... (do.)	470
Court—establishment of ... (Madhavan Pillai, Mr. K. P.)	691
Courts—inspection of ... (Gopalakrishna Pillai, Mr. K.)	686
Culvert construction of ... (Narayanaperumal Nadar, Mr. K.)	687
Customs Office—working of—enquiry into the ... (Kunjukrishna Pillai, Mr. K.)	607
Covenanted offices—salaries cut in the ... (Narayanaperumal Nadar, Mr. K.)	216
Demand notice fees recovery of ... (Damodaran Asan, Mr. A. S.)	794
District Court at Mavelikara—opening of ... (Raja, Mr. Rama Varma)	292
Doctors—attendance of ... (Narayanaperumal Nadar, Mr. K.)	610
Electrical energy—supply of ... (Chattanatha Karayalar, Mr. S.)	527
Eralkads and Pulkars—extent of ... (Krishnan Nair, Mr. K.)	65

Questions and Answers.—(*contd.*)	Pages
Examination results ... (Narayanaperumal Nadar, Mr. K.)	528
Flood damages ... (Nilakanta Pillai, Mr. K. P.)	293
Food analyst—appointment of ... (Padmanabha Panikkar, Mr. K.)	64
Fruit Farm ... (Narayanaperumal Nadar, Mr. K.)	133
General Hospital – operations in the .. (Krishna Pillai, Mr. N. K.)	530
Gold—export of, from the State ... (Madhavan Pillai, Mr. K.)	210
Grant-in-aid Schools ... (Krishnan Nayar, Mr. K.)	3
Grant of special pay ... (Narayanaperumal Nadar, Mr. K.)	3
Head Mistresses and Assistant Inspectresses—qualification for appointment ... (Padmanabha Panikkar, Mr. K.)	609
Hydro-electric scheme—expenditure on ... (Madhavan Pillai, Mr. K. P.)	687
Inspector of Police, Mr. Vaidyanatha Iyer—complaint against ... (Krishna Pillai, Mr. N. K.)	218
Inspectresses and Head Mistresses—qualification for ... (Chandi, Mrs. Anna)	608
Irrigation tanks—improvement of ... (Nilakanta Pillai, Mr. K. P.)	375
,, list of ... (Madhavan Pillai, Mr. K.)	212
Judicial Department—list of holidays for the... (Gopalakrishna Pillai, Mr. K.)	207
Kottar-Rajakkamangalam road ... (Narayanaperumal Nadar, Mr. K.)	603
Kunnappallil Raman Pillai—complaint against... (Kunju, Mr. Joseph)	299
Labour - condition of ... (Gopalakrishna Pillai, Mr. K.)	138
Land Assignment Rules—concessions under the ... (Abraham, Mr. K. P.)	608
Land Mortgage Bank ... (do.)	137
Land tax—rates of ... (Narayanaperumal Nadar, Mr. K.)	691

Questions and Answers.—(*contd.*)	Pages
Law's Delays Report—action taken on ... (Gopalakrishna Pillai, Mr. K.)	738
Leper Asylum—acquisition of land for ... (Thanu Pillai, Mr. A.)	459
Leper Asylum ... (Damodaran Asan, Mr. A. S.)	454
Leper Asylum—report about the—location of ... (do.)	460
„ site for the ... (do.)	458
Major operations ... (Narayanaperumal Nadar, Mr. K.)	529
Manual training teachers—allowance to .. (Narayana Menon, Mr. M. N.)	536
Market—shifting of ... (Damodaran Asan, Mr. A. S.)	294
Minor Irrigation Committee Report—action on the ... (Krishna Pillai, Mr. N. K.)	213
„ report of the ... (Madhavan Pillai, Mr. K.)	211
Motor mechanism—knowledge of ... (Thanu Pillai, Mr. A.)	297
Municipal Council Members, Nagercoil ... (Narayanaperumal Nadar, Mr. K.)	1
Municipal town—formation of a ... (Madhavan Pillai, Mr. K. P.)	213
Music tests—Rule regarding the ... (Damodaran Asan, Mr. A. S.)	534
Newspaper cuttings ... (Krishnan Nayar, Mr. K.)	1
Officers—list of ... (Damodaran Asan, Mr. A. S.)	691
Onattukara Karshaka Samajam—resolutions passed by the ... (do.)	610
Paddy lands—assessment on ... (Narayanaperumal Nadar, Mr. K.)	528
Petrol—duty on ... (Narayana Menon, Mr. M. N.)	605
Pier—construction, of at Alleppey ... (Chattanatha Karayalar, Mr, S.)	793
Pokkuvaravu cases - disposal of ... (Narayanaperumal Nadar, Mr. K.)	296
Police excesses—enquiry into ... (Krishna Pillai, Mr. N. K.)	611

Questions and Answers.--(*contd.*)

		Pages
Poramboke lane (Narayanaperumal Nadar, Mr. K)	...	94
Primary School for girls, Cherunallur (Damodaran Asan, Mr. A. S.)	...	535
Prisoners—seating accommodation for the (Abraham, Mr. K. P.)	...	131
Public holidays—reduction of (Thanu Pillai, Mr. A.)	...	208
Public Works—allotment for (Narayanaperumal Nadar, Mr. K.)	...	451
Public Works—contracts (Narayana Menon, Mr. M. N.)	...	605
P. W. D. Works—delay in execution (Madhavan Pillai, Mr. K. P.)	...	380
P. W. D. subordinates (Krishnan Nair, Mr. K.)	...	462
Pulayas—entry into the Fort (Damodaran Asan, Mr. A. S.)	...	737
Punishment (Narayanaperumal Nadar, Mr. K.)	...	380
Radio sets (Kunjukrishna Pillai, Mr. K.)	...	376
Recruitment—Police Department (Krishna Pillai, Mr. N. K.)	...	603
„ Traffic Department (do.)	...	603
Registry of lands in Devicolam (Abraham, Mr. K. P.)	...	291
Remission of tax (Krishna Pillai, Mr. N. K.)	...	453
Rental—arrack and toddy shops (Chattanatha Karayalar, Mr. S.)	...	604
Retrenchment—salaries of Police officers (Krishna Pillai, Mr. N. K.)	...	604
Road—Airur—Chirakkara (Nilakanta Pillai, Mr. K. P.)	...	796
„—Parur to Kuriyapalli (Gopalakrishna Pillai, Mr. K.)	...	796
„—Kottar—Rajakkamangalam—pathway in the (Narayanaperumal Nadar, Mr. K.)	...	603

	Pages
Questions and Answers (*contd*).—	
„—Tondankulangara to Munro Light (Padmanabha Panikkar, Mr. K.) ...	63
Rule—seniority in service (do.) ...	533
Schools—strength of a class in the (Kunjukrishna Pillai, Mr. K.) ...	298
Site—selection of (Thanu Pillai, Mr. A.) ...	605
Silt—removal of, from the canal (Damodaran Asan, Mr. A. S.) ...	134
Statistics—collection of (Chattanatha Karayalar, Mr. S.) ...	690
Students—fees from the (Thanu Pillai, Mr. A.) ...	535
Subordinates—Survey and L. R. M. Departments (Kunjukrishna Pillai, Mr. K.) ...	379
Sub-Registry office (Madhavan Pillai, Mr. K.) ...	211
Superior officers—Judicial Department (Abraham, Mr. K. P.) ...	685
Supply of water (Madhavan Pillai, Mr. K.) ...	137
Surveyors—list of (Damodaran Asan, Mr. A. S.) ...	531
Tax—levy of, on motor vehicles (Chattanatha Karayalar, Mr. S.) ...	212
Tax—reduction of, on wet lands (Narayanaperumal Nadar, Mr. K.) ...	131
Teachers—qualification of (Narayanaperumal Nadar, Mr. K.) ...	132
Teaching staff of English schools (Krishnan Nayar, Mr. K.) ...	3
Travancore Special Marriage and Succession Bill—leave to introduce—(Kunjukrishna Pillai, Mr. K.) ...	605
Vocational Education (Subrahmanya Pillai, Mr. R. S.) ...	795
Vocational training—introduction of (Krishna Pillai, Mr. N. K.) ...	738
—report on (Narayana Menon, Mr. M. N.) ...	739
Water—supply of (Narayana Menon, Mr. M. N.) ...	690

	Pages
Water Supply Schemes—award of grants for (Chattanatha Karayalar, Mr. S.)	793
R	
Mr. Rama Varma, Raja	
Adjournment motion—	
Fall in the price of copra	110,115,120
Bills—	
The Chitties Regulation Amendment Bill —introduction of ...	576,578,585
„ second reading of	...
The Jenmi and Kudiyan Regulation Amendment Bill second reading of ...	447, 507
The Kshatriya Bill—second reading of ...	612-619
„ — third reading of ...	709
The Municipal Regulation Amendment Bill—second reading of ...	147,150,171-173 192,201,365
The Provident Insurance Societies Bill—second reading of ...	544-545,551,552
Demands for Supplementary Grants—	
Anchal ...	333,336
Education ...	284,287
Industries Department ...	223
Medical Department ...	227,228,243,244
Questions —	
Applicants to the Medical College—statement of ...	292
Assignment of lands ...	2
District Court at Mavelikara —opening of ...	292
Raman Namputiripad, Mr. N.—	
Bills—	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	10,19,20,26-28 46,52,53 404,405,418 424,433,434,441 446 487-489
Regulations assented to by His Highness the Maharaja—	
The Travancore Criminal Law Amendment Regulation ...	5

	Pages
Regulations assented to by His Highness the Maharaja—(*contd.*)	
The Travancore State Aid to Industries Regulation ...	5
Resolution—	
Export duty on products of the cocoanut tree—abolition of ...	623-683
Rulings	
(Miscellaneous) (President)	
Members must not direct questions together or talk in the Vernacular where they generally speak in English ...	175
Ruling of the chair is not open to question (Deputy President) ...	261
S	
Slater Mr. B. L.—	
Demands for Supplementary Grants—	
Medical Department ...	226,227
Oath of office ...	1
Srirenganatha Sastri, Mr. C. N.—	
Demands for Supplementary Grants—	
Anchal ...	332-336,339
Oath of office ...	1
Statement laid on the table ...	4
Subrahmanya Pillai Mr. R. S.—	
Bill—	
The Chitties Regulation Amendment Bill—second reading of ...	763
Questions—	
Vocational education ...	795
T	
Thanu Pillai, Mr. A.—	
Bills—	
The Chitties Regulation Amendment Bill—introduction of ...	70,73-78,82,87 88,95,99,106
„ second reading of ...	576,582,591,594 597 713,717,719,723 755,756,761,765 773-775,784
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	33-35,37,51,52, 60
„— ...	403,408,421,448, 515,516

	Pages
Thanu Pillai, Mr. A. *(contd.)*—	
Bills—*(contd.)*	
The Municipal Regulation Amendment Bill—second reading of ...	139-147,149,150 152,153,166,168-171,174,175,179 184-187,193-197 199,344-350, 353,357,361-367,369-371
The Wills Regulation Amendment Bill—second reading of ...	619,620
Demands for Supplementary Grants—	
Anchal ...	337
Ayurveda Department, etc. ...	252-255
Education ...	267,269,279-284
General Administration ...	324,323
Industries Department ...	223-225
Medical Department ...	230,237,238
Public Works ...	304,310,315
Questions—	
Leper Asylum—acquisition of land for ...	459
Motor Mechanism—knowledge of ...	297
Public holidays—reduction of ...	208
Site—selection of ...	605
Students—fees from the ...	535
Tuppan Namputiripad Mr. C. N.—	
Bills—	
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	10,13-16,20-23 26-30,40-45,47-50,52,61,62,391-395,398-403,405 407,412-417427, 434438,439,442 445,446,481-487 501,502-506,516
„—third reading of ...	519,524,703-707
The Provident Insurance Societies Bill—second reading of ...	561,564
Demands for Supplementary Grants— ...	334
Anchal ...	323
Census ...	651,652

	Pages
Tuppan Namputiripad Mr. C. N.—(*contd.*)	
Resolution Export duty on products of the cocoanut tree—abolition of ...	
V	
Venkatarama Iyer, Rao Bahadur A.—	
Bills—	
The Chitties Regulation Amendment Bill—second reading of ...	732,733,734
The Jenmi and Kudiyan Regulation Amendment Bill—second reading of ...	10,19,23,24,38 419
The Municipal Regulation Amendment Bill—second reading of ...	181-186
The Provident Insurance Societies Bill—second reading of ...	549-552
W	
Westerdale, Mr J. S.—	
Demands for Supplementary Grants—	
Medical Department ...	236
Public Works ...	302-304,313-315 316

31873

Travancore Legislative Council Proceedings 1932

Vol. 22

p02 Content of Travancore Legislative Council Proceedings
p1 Dec 9, 1932-Swearing in of New Members
p1 Dec 9, 1932-Questions and Answers
p4 Dec 9, 1932-Statement Laid on the Table
p5 Dec 9, 1932-Regulations Assented to by His Highness the Maha Raja
p5 Dec 9, 1932-Jenmi and Kudiyan Regulation Amendment Bill-Legislative Business
p63 Dec 10, 1932-Questions and Answers
p65 Dec 10, 1932-Leave to Make-Adjournment Motion
p65 Dec 10, 1932-Demands for Supplementary Grants
p66 Dec 10, 1932-Travancore Provident Insurance Societies Bill-Legislation
p68 Dec 10, 1932-Chitties Regulation Amendment Bill-Legislation
p107 Dec 10, 1932-Fall in the price of Travancore copra due to the Import of Ceylon Copra-Adjournment Motion
p131 Dec 12, 1932-Questions and Answers
p139 Dec 12, 1932-Municipal Regulation Amendment Bill-Legislation
p207 Dec 13, 1932-Questions and Answers
p219 Dec 13, 1932-Asking for Leave to Make-Adjournment Motion
p219 Dec 13, 1932-Demands for supplementary Grants
p291 Dec 14, 1932-Questions and Answers
p301 Dec 14, 1932-Asking for Leave to Make-Adjournment Motion
p302 Dec 14, 1932-Demands for Supplementary Grants
p343 Dec 14, 1932-Municipal Regulation Amendment Bill-Legislation
p375 Dec 15, 1932-Questions and Answers
p383 Dec 15, 1932-Asking for Leave to Make-Adjournment Motion
p383 Dec 15, 1932-Travancore Municipal Regulation Amendment Bill-Legislation
p389 Dec 15, 1932-Jenmi and Kudiyan Regulation Amendment Bill-Legislation
p451 Dec 16, 1932-Questions and Answers
p471 Dec 16, 1932-Jenmi and Kudiyan Regulation Amendment Bill-Legislation
p527 Dec 17, 1932-Questions and Answers
p537 Dec 17, 1932-Asking for Leave to Make-Adjournment Motion
p537 Dec 17, 1932-Travancore Provident Insurance Societies Bill-Legislative Business
p567 Dec 17, 1932-Travancore Insolvency Bill-Legislative Business
p569 Dec 17, 1932-Travancore Chitties Regulation Amendment Bill-Legislative Business
p603 Dec 19, 1932-Questions and Answers
p611 Dec 19, 1932-Travancore Muslim Succession Bill-Legislative Business
p612 Dec 19, 1932-Travancore Kshatriya Bill-Legislative Business
p619 Dec 19, 1932-Travancore Wills Regulation Amendment Bill-Legislative Business
p620 Dec 19, 1932-Cutchi Memons Bill-Legislative Business
p623 Dec 19, 1932-Abolition of Export Duty on Products of the Cocoanut Tree-Resolutions
p685 Dec 20, 1932-Questions and Answers
p692 Dec 20, 1932-Travancore Jenmi and Kudiyan Regulation Amendment Bill-Third Reading-Legislative Business
p707 Dec 20, 1932-Travancore Municipal Regulation Amendment Bill-Third Reading-Legislative Business
p707 Dec 20, 1932-Travancore Town Planning Bill-Third Reading-Legislative Business
p708 Dec 20, 1932-Travancore Police Regulation Amendment Bill-Third Reading-Legislative Business
p708 Dec 20, 1932-Travancore Insolvency Bill-Third Reading-Legislative Business
p709 Dec 20, 1932-Travancore Provident Insurance Societies Bill-Third Reading-Legislative Business
p709 Dec 20, 1932-Travancore Kshatriya Bill-Third Reading-Legislative Business
p709 Dec 20, 1932-Travancore Wills Regulation Amendment Bill-Third Reading-Legislative Business
p710 Dec 20, 1932-Travancore Chitties Regulation Amendment Bill-Second Reading-Legislative Business
p737 Dec 21, 1932-Questions and Answers
p739 Dec 21, 1932-Travancore Chitties Regulation Amendment Bill-Legislative Business
p793 Dec 22, 1932-Questions and Answers
p797 Dec 22, 1932-Travancore Chitties Regulation Amendment Bill-Third Reading-Legislative Business
p799 Dec 22, 1932-Farewell to Members
pB1 Appendices & Supplements
pM1 Index